



## MALTA

### **ATT Nru. XXI ta' l-1979**

ATT maħruġ b'ligi mill-Parlament ta' Malta.

ATT biex ikompli jemenda l-Att ta' l-1956 dwar is-Sigurtà Nazzjonali.

### **ACT No. XXI of 1979**

AN ACT enacted by the Parliament of Malta.

AN ACT further to amend the National Insurance Act, 1956.



Nagħti l-kunsens tiegħi.

*Anton Gatt*  
President

6 ta' Lulju, 1979

### ATT Nru. XXI ta' l-1979

*ATT biex ikompli jemenda l-Att ta' l-1956 dwar is-Sigurtà Nazzjonali.*

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġej:—

Titolu fil-qosor  
u bidu fis-sehħ.

1. (1) Dan l-Att jista' jissejjaħ l-Att ta' l-1979 li jemenda l-Att dwar is-Sigurtà Nazzjonali, u għandu jinqara u jiftiehem fiha waħda ma' l-Att ta' l-1956 dwar is-Sigurtà Nazzjonali, hawnhekk iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

(2) Id-disposizzjonijiet li ġejjin ta' dan l-Att għandu jkollhom effett kif ġej:

(a) il-paragrafu (ċ) ta' l-artikolu 11 għandu jkollu effett mit-3 ta' Ġunju, 1978;

(b) l-artikolu 2, is-sub-paragrafu (i) tal-paragrafu (b) u l-paragrafu (ċ) ta' l-artikolu 8, l-artikolu 10, il-paragrafu (b) ta' l-artikolu 11, l-artikoli 14, 19, 20, 22, 24, 34, 36, 38, 42 u 44 għandu jkollhom effett mill-20 ta' Jannar, 1979;

(ċ) l-artikoli 3, 4, 5 (barra mill-paragrafi (b) u (ċ) tiegħu), 7, 11 (barra mill-paragrafi (a), (b) u (ċ) tiegħu), 12, 16, 39, 40, 41 u 45 għandu jkollhom effett mit-22 ta' Jannar, 1979;

(d) l-artikolu 23 għandu jkollu effett mill-1 ta' April, 1979; u

(e) l-artikolu 8 (barra mis-sub-paragrafu (i) tal-paragrafu (b) u l-paragrafu (ċ)), l-artikoli 9, 13 u 15 u l-paragrafu (a) ta' l-artikolu 18, l-artikoli 30 u 43 għandu jkollhom effett mit-2 ta' Ġunju, 1979.

Emenda ta'  
l-artikolu 2 ta'  
l-Att prinċipali.

2. L-artikolu 2 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu —

(i) minnufih wara t-tifsira ta' "età ta' pensjoni" għandha tidhol it-tifsira ġdida li ġejja:

“dħul pensjonabbli” tfisser —

(a) fil-każ ta' persuna li għandha titqies bħala persuna mpjegata, il-medja fis-sena tal-paga jew tas-salarju tagħha li fuqu kienet tiffhallas kontribuzzjoni ta' l-ewwel klassi matul l-aħħar perijodu konsekuttiv ta' tliet snin kalendarji fi żmien l-aħħar għaxar snin qabel ma rtirat jew, meta ma kenitx f'impieg assigurabbli għal perijodu konsekuttiv ta' tliet snin matul l-imsemmija għaxar snin, matul l-itwal perijodu konsekuttiv li fih, fi żmien daww l-għaxar snin, kienet f'impieg bħal dak; dik il-paga jew dak is-salarju dwar kull waħda minn daww is-snin konsekuttivi jiżdied biż-żidiet fil-paga applikabbli li bil-liġi għandhom jingħataw b'mod ġenerali dwar kull sena sussegwenti sad-data ta' rtir tagħha;

(b) fil-każ ta' persuna li għandha titqies bħala persuna li timpjega lilha nnifisha, il-medja fis-sena tad-dhul nett tagħha matul l-aħħar għaxar snin kalendarji ta' qabel l-irtir tagħha; dak id-dhul nett jittiehed bħala l-paga jew is-salarju li fuqu kienet tiffhallas kontribuzzjoni ta' l-ewwel klassi dwar kull perijodu li matulu kellha tiffallas dik il-kontribuzzjoni, u bħala d-dhul nett li fuqu kienet tiffhallas kontribuzzjoni tattieni klassi jew tat-tielet klassi dwar kull perijodu li matulu kellha tiffallas dik il-kontribuzzjoni; u għal kull sena kompleta, fi żmien daww l-għaxar snin, li matulha dik il-persuna kienet taħdem bi qliegħ wara li għalqet l-età ta' 51 sena u li fiha d-dhul nett tagħha kif intqal qabel kien iktar minn dak tas-sena ta' qabilha b'ammont li ma jkunx inqas miż-żieda fil-paga li bil-liġi għandha tingħata b'mod ġenerali, dak id-dhul nett għandu jiżdied biż-żieda fil-paga applikabbli kif intqal qabel dwar kull sena sussegwenti:

Iżda d-dhul pensjonabbli ma għandu f'ebda każ ikun iżjed minn dak l-ammont li l-Ministru, bi ftehim mal-Ministru responsabbli għall-finanzi, jistabbilixxi minn żmien għal żmien b'ordni fil-Gazzetta:

Iżda wkoll dwar persuna li għandha titqies bħala persuna li timpjega lilha nnifisha l-ammont li għandu jittiehed għall-finijiet ta' din it-tifsira bħala d-dhul nett ta' kull waħda mill-imsemmija l-aħħar għaxar snin ma għandux ikun iżjed mill-ammont aċċettat mill-Kummissarju tat-Taxxi Interni għall-finijiet ta' l-Att ta' l-1948 dwar it-Taxxa fuq l-*Income*, bħala d-dhul nett għas-sena korrispondenti, jew, sakemm issir il-likwidazzjoni għal dik is-sena, l-ammont li jirriżulta bħala d-dhul nett għal dik is-sena mill-prospett mogħti għal dik is-sena taħt l-imsemmi Att,  
u —

(i) jekk, skond id-disposizzjonijiet ta' dan l-Att, ir-rata ta' kontribuzzjoni l-aħħar imħallsa minna bħala persuna li timpjega lilha nnifisha tkun kontribuzzjoni tattieni klassi bir-rata iktar baxxa, id-dhul pensjonabbli tagħha jkun id-dhul pensjonabbli tagħha kalkolat kif intqal qabel jew l-ammont imsemmi fl-ewwel proviso għas-subartikolu (3) ta' l-artikolu 5A ta' dan l-Att, skond liema jkun l-ammont l-iktar baxx;

(ii) jekk, skond id-disposizzjonijiet ta' dan l-Att, ir-rata ta' kontribuzzjoni l-aħħar imħallsa

minnha bħala persuna li timpjega lilha nnifisha tkun kontribuzzjoni tat-tieni klassi bir-rata oghla, id-dħul pensjonabbli tagħha jkun id-dħul pensjonabbli tagħha kalkolat kif intqal qabel jew l-ammont im-semmi f'dak il-proviso għas-subartikolu (3) miżjud b'ċenteżmu, skond liema jkun l-oghla ammont;

u sabiex jiġi stabbilit id-dħul nett ta' persuna, id-Direttur jista' jeftiġilha li tipproduċilu l-prospetti u l-likwidazzjonijiet tat-taxxa fuq l-income tagħha;"

(ii) minnufih wara t-tifsira ta' "kondizzjonijiet ta' kontribuzzjoni relativa" għandha tidħol it-tifsira ġdida li ġejja:

"irtir" tfisser l-ilħuq ta' e'ta ta' pensjoni:

Izda dwar persuna 'l fuq mill-e'ta ta' pensjoni li titqies bħala li taħdem bi qliegh għall-finijiet tas-subartikolu (1A) ta' l-artikolu 17 jew li hi skwalifikata milli tirċievi pensjoni taħt is-subartikolu (1) ta' l-artikolu 90 ta' dan l-Att, irtir tfisser id-data li fiha ma tibqax hekk meqjusa jew skwalifikata jew meta tilhaq l-e'ta ta' 65 sena, skond liema tkun l-ewwel:

Izda wkoll dwar persuna li f'xi żmien tkun jew kienet qed tirċievi pensjoni taħt dan l-Att li titħallas ma' l-e'ta ta' pensjoni jew wara, irtir tfisser id-data meħuda bħala d-data ta' l-irtir tagħha għall-finijiet ta' l-ghoti ta' dik il-pensjoni;" u

(iii) minflok it-tifsira ta' "arbitru" għandu jidħol dan li ġej:

"arbitru" tfisser l-arbitru maħtur taħt l-artikolu 42 ta' dan l-Att u tinkludi d-deputat arbitru maħtur taħt dak l-artikolu." u

(b) minnufih wara s-subartikolu (3) tiegħu, għandu jidħol is-subartikolu ġdid li ġej:

"(4) Għall-fini ta' l-ogh'ti ta' xi pensjoni taħt dan l-Att, persuna li, matul l-aħħar għaxar snin li jispiċċaw fl-aħħar ġurnata tas-sena ta' kontribuzzjoni li tiġi minnufih qabel l-irtir tagħha, kellha tħallas jew kienet akkreditata b'kontribuzzjonijiet ta' l-ewwel klassi u tat-tieni klassi jew tat-tielet klassi, titqies bħala persuna mpjegata jekk l-imsemmija kontribuzzjonijiet kienu, fil-maġġoranza tagħhom, kontribuzzjonijiet ta' l-ewwel klassi u hi titqies bħala persuna li timpjega lilha nnifisha jekk l-imsemmija kontribuzzjonijiet kienu, fil-maġġoranza tagħhom, kontribuzzjonijiet tat-tieni klassi jew tat-tielet klassi:

Izda persuna li minnufih qabel ma tilhaq l-e'ta ta' 51 sena kienet persuna mpjegata għal mhux inqas minn għoxrin sena u li tkun hekk baqgħet impjegata għal xi perijodu wara l-e'ta ta' 51 sena, u wara ma tkunx saret li taħdem bi qliegh bħala persuna li timpjega lilha nnifisa, għandha titqies ma' l-irtir bħala persuna mpjegata."

Emenda ta'  
l-artikolu 4A  
ta' l-Att  
prinċipali.

3. L-artikolu 4A ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) minnufih wara l-paragrafu (b) tiegħu għandu jidħol il-paragrafu ġdid li ġej:

"(bb) qed tirċievi pensjoni taħt il-Parti IX ta' dan l-Att; jew";

(b) minflok il-paragrafu (ċċ) tiegħu għandu jidhlo il-paragrafu ġdid li ġej:

“(ċċ) 'il fuq mill-età ta' pensjoni u ma tkunx skwalifikata milli tirċievi pensjoni taħt il-Parti IX ta' dan l-Att skond is-subartikolu (2) ta' l-artikolu 90,” u

(ċ) fil-paragrafu (ġ) tiegħu, minflok il-figuri “£20” u “£65” għandhom jidhlu rispettivament il-figuri “£30” u “£97.50”.

4. Is-subartikolu (1) ta' l-artikolu 5 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 5 ta' l-Att prinċipali.

(a) fil-paragrafu (a) tal-proviso li hemm għalih, minflok il-kliem “ma tkun irċeviet ebda hlas għal dik il-gimgha”, għandhom jidhlu l-kliem “ma kellha jedd għal ebda hlas dwar dik il-gimgha”, u

(b) fil-paragrafu (ċ) tal-proviso li hemm għalih, minflok il-figuri “£20” u “£65” għandhom jidhlu rispettivament il-figuri “£30” u “£97.50”.

5. L-artikolu 5A ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 5A ta' l-Att prinċipali.

(a) fl-ewwel proviso għas-subartikolu (1) tiegħu, minflok il-figuri “£405” u “£205” għandhom jidhlu rispettivament il-figuri “£490” u “£290”;

(b) fl-imsemmi l-ewwel proviso li hemm għas-subartikolu (1), minflok il-kliem “li jkun validu għal sitt xhur” għandhom jidhlu l-kliem “li jkun validu għal tnax-il xahar”;

(ċ) minflok it-tieni proviso li hemm għall-imsemmi subartikolu (1), għandu jidhlo dan li ġej:

“Izda wkoll, jekk dik il-persuna tonqos li tissottometti ruħha għal revizjonijiet tal-mezzi tagħha kull tnax-il xahar fi żmien xahar minn meta tiġi hekk mitluba mid-Direttur, dik il-persuna tkun sugġetta għal penali ta' mhux iżjed minn żewġ liri għal kull xahar jew parti minnu wara dan; u dik il-penali għandha tiffallas lid-Direttur f'dak iż-żmien li jiġi stabbilit minn dan ta' l-aħħar.”;

(d) is-subartikolu (3) tiegħu għandu jiġi emendat kif ġej:

(i) minflok il-proviso li hemm għalih għandu jidhlo dan li ġej:

“Izda l-hlas tal-kontribuzzjoni tat-tieni klassi bir-rata aktar baxxa għandu jsir biss minn persuna assicurata jekk din hekk tagħzel u jekk tipprowa għas-sodisfazzjon tad-Direttur li d-dhul nett totali tagħha ma jkunx iżjed minn £1,181 fis-sena; u għall-finijiet ta' dan il-proviso —

(a) meta persuna tkun hekk għażlet kif intqal qabel u tkun tat il-prova meħtieġa lid-Direttur, kontribuzzjoni tat-tieni klassi bir-rata aktar baxxa għandha tiffallas b'seħħ mid-data li fiha tkun saret dik l-għażla jew minn dik id-data qabel, li ma tkunx qabel iktar minn erba' xhur, kif jista' jiddeċiedi d-Direttur; u

(b) meta persuna assicurata ma tkunx qed taħdem bi qliegh, pensjoni tas-servizz ma titqiesx li tifforma parti mid-dhul nett totali tagħha.”.

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(ii) minnufih wara l-proviso li hemm għalih għandu jidhrol il-proviso ieħor li ġej:

“Izda wkoll għall-finijiet ta’ dan l-Att meta persuna tkun tista’ tħallas kontribuzzjoni tat-tieni klassi bir-rata iktar baxxa taħt dan is-subartikolu (ħlief matul kull perijodu li fih tkun registrata bhala persuna mhux impjegata taħt il-Parti I tar-Registru miżmum skond l-Att ta’ 1-1955 dwar is-Servizz ta’ l-Impiegi) din ma tkunx tista’ tibdel l-għażla li tkun għamlet taħt il-proviso ta’ qabel —

(a) wara li jgħaddi xahar minn dik id-data li tista’ tiġi speċifikata mill-Ministru, b’avviz fil-Gazzetta, fil-każ ta’ persuna li kienet persuna li timpjega lilha nnifisha fil-15 ta’ Jannar, 1979;

(b) wara li jgħaddu sentejn mid-data minn meta għall-ewwel darba tkun saret persuna li timpjega lilha nnifisha, fil-każ ta’ persuna li tkun hekk saret fis-16 ta’ Jannar, 1979 jew wara;

u persuna li tibdel l-għażla tagħha ma tistax għal darba oħra tibdel dik l-għażla taħt dan il-proviso u barra minn hekk din tkun suġġetta li tħallas ir-rata ogħla ta’ kontribuzzjoni b’effett mit-22 ta’ Jannar, 1979 fil-każ ta’ persuna li taqa’ taħt il-paragrafu (a) ta’ dan il-proviso jew b’effett mid-data minn meta tkun saret persuna li timpjega lilha nnifisha għall-ewwel darba fil-każ l-ieħor.” u

(e) minnufih wara s-subartikolu (4) tiegħu, għandhom jidhlu s-subartikoli godda li ġejjin:

“(5) Għall-finijiet ta’ dan l-artikolu d-Direttur m’għandux jaċċetta bhala dħul nett ta’ persuna għal xi sena ammont li jkun inqas minn dak likwidat mill-Kummissarju tat-Taxxi Interni għall-finijiet ta’ l-Att ta’ 1-1948 dwar it-Taxxa fuq l-*Income* bhala d-dħul nett għal dik is-sena jew, sakemm issir il-likwidazzjoni għal dik is-sena l-ammont li jirriżulta bhala d-dħul nett għal dik is-sena mill-prospett mibgħut taħt l-imsemmi Att; u d-Direttur jista’, għal dan l-għan, jehtieg lil kull persuna assigurata li tipproduci l-likwidazzjonijiet u l-prospetti tagħha tat-taxxa fuq l-*income*.

(6) Persuna li normalment tikseb l-għejxien tagħha minn impieg assigurabbli u li matul xi perijodu —

(a) ma tkunx tista’ taħdem minħabba xi marda jew korriment fil-persuna u ma jkollha jedd għal ebda ħlas mingħand il-prinċipal tagħha jew għal ebda kontribuzzjonijiet akkreditati taħt l-artikolu 9 ta’ dan l-Att; jew

(b) tkun b’xi mod imdaħħla f’xi kwistjoni ta’ xogħol li minħabba fiha ma jkollha jedd għal ebda ħlas mingħand il-prinċipal tagħha;

u li ma jkollhiex jedd għal eżenzjoni mill-ħlas ta’ kontribuzzjoni tat-tieni klassi skond is-subartikolu (1) ta’ dan l-artikolu, għandha, minkejja d-disposizzjonijiet tas-subartikolu (3) ta’ dan l-artikolu, tħallas kontribuzzjoni tat-tieni klassi bir-rata aktar baxxa.”

6. Minnufih wara l-artikolu 5A ta' l-Att prinċipali, għandhom jidhlu l-artikoli ġodda li ġejjin:

Dhul ta' artikoli ġodda 5B u 5C fl-Att prinċipali.

"Hlas ta' kontribuzzjoni tat-tieni klassi minflok kontribuzzjoni ta' l-ewwel klassi.

5B. Persuna assigurata li għandha tħallas kontribuzzjoni ta' l-ewwel klassi taħt l-artikolu 5 ta' dan l-Att u li tkun ukoll taħdem bi qliegħ bħala persuna li timpjega lilha nnifisha tista', fuq it-talba tagħha u bl-approvazzjoni tad-Direttur, tħallas kontribuzzjoni tat-tieni klassi minflok kontribuzzjoni ta' l-ewwel klassi; u dik il-persuna assigurata ma tistax terġa' taqleb għall-istat ta' kontributor ta' l-ewwel klassi hlief jekk u sakemm tispicċa milli taħdem bi qliegħ bħala persuna li timpjega lilha nnifisha, u tgħarraf lid-Direttur b'dik il-bidla:

Iżda d-Direttur ma għandux jagħti l-approvazzjoni tiegħu kemm-il darba r-rata ta' kontribuzzjoni tat-tieni klassi applikabbli ma tkunx iktar mit-total tar-rata ta' kontribuzzjoni ta' l-ewwel klassi applikabbli li tithallas mill-prinċipal u mill-persuna mpjegata, u dan għandu jirrevoka dik l-approvazzjoni b'effett minn dik id-data li hu jstabbilixxi li hi d-data li fiha l-imsemmija kondizzjoni tkun waqfet milli tiġi sodisfatta.

Hlas ta' kontribuzzjoni ta' l-ewwel klassi minn persuna li taħdem bi qliegħ barra minn Malta.

5C. (1) Persuna li —

(a) tkun impjegata b'kuntratt ta' servizz barra minn Malta hekk li ma tkunx f'impieg assigurabbli, u

(b) iżzomm ir-residenza ordinarja tagħha f'Malta, tista', b'seħħ mid-data ta' applikazzjoni lid-Direttur, minflok ma tħallas kontribuzzjoni tat-tieni klassi tħallas kontribuzzjoni ta' l-ewwel klassi u b'żieda ma' dan, il-kontribuzzjoni li normalment tithallas minn prinċipal dwar persuna li tħallas kontribuzzjoni ta' l-ewwel klassi.

(2) Il-kontribuzzjonijiet li jithallsu taħt is-subartikolu (1) ta' dan l-artikolu għandhom jithallsu f'intervalli ta' erba' xhur f'dik il-forma u b'dak il-mod stabbilit bil-paragrafu (d) tas-subartikolu (4) ta' l-artikolu 8 ta' dan l-Att; u dawk il-kontribuzzjonijiet jibqgħu jithallsu dwar kull ġimgħa ta' kontribuzzjoni jew parti minnha li matulha l-kondizzjonijiet speċifikati fil-paragrafi (a) u (b) tas-subartikolu (1) ta' dan l-artikolu jibqgħu jseħħu.”.

7. Fil-paragrafu (e) tas-subartikolu (5) ta' l-artikolu 8 ta' l-Att prinċipali, minnufih wara l-kliem “għandhom jithallsu taħt l-artikolu ħamsa” għandhom jidiedu l-kliem “f'dak iż-żmien u”.

Emenda ta' l-artikolu 8 ta' l-Att prinċipali.

8. L-artikolu 10 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 10 ta' l-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, il-kliem “(f) allowance speċjali ta' arma;” għandhom jithassru;

(b) is-subartikolu (2) tiegħu għandu jiġi emendat kif ġej:

(i) minflok il-paragrafu (a) għandu jidhul dan li ġej:

“(a) ir-rati ta' diversi għamljet ta' beneficiċċju hlief ta' *bonus* għal żwieġ, *allowance* ta' tutur, beneficiċċju għal inkapaċità jew *allowance* għal iltiema taħt il-benefiċċju għal mewt għandhom ikunu kif muri fil-Parti I u IA tat-

Tielet Skeda li tinsab ma' dan l-Att, l-ammont ta' *bonus* għal żwieg ikun kif muri fil-Parti II ta' dik l-Iskeda, l-ammont u r-rati fil-gimgha ta' beneficiċju għal inkapaċità jkunu kif muri fil-Parti III u IV ta' dik l-Iskeda, u r-rati ta' *allowance* ta' tutur u *allowance* għal iltiema jkunu kif muri fil-Parti VII ta' dik l-Iskeda.”;

(ii) fil-paragrafu (b), il-kliem “*allowance* speċjali ta' armla,” għandhom jithassru;

(ċ) fis-sub-paragrafu (ii) tal-paragrafu (a) tas-subartikolu (3) tiegħu, minflok il-figura “£1,100” għandha tidhol il-figura “£1,181”; u

(d) fis-subartikolu (5) tiegħu, il-kliem “*jew allowance* speċjali ta' armla” għandhom jithassru.

9. L-artikolu 16 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok is-subartikolu (1) tiegħu għandu jidholl is-subartikolu ġdid li ġej:

“(1) Bla ħsara għad-disposizzjonijiet ta' dan l-Att, armla li żewġha jissodisfa l-kondizzjonijiet ta' kontribuzzjoni rilevanti fid-data ta' mewtu jkollha dritt għal pensjoni ta' armla:

Iżda meta armla tkun qed taħdem bi qliegħ, din ma jkollhiex dritt għal dik il-pensjoni kemm-il darba —

(i) ma tipprovax għas-sodisfazzjon tad-Direttur li d-dhul tagħha minn xi xogħol bi qliegħ ma jkunx iżjed minn £30 f'xi perijodu ta' erba' gimghat jew £97.50 f'xi perijodu ta' tlettax-il gimgha; jew

(ii) ma tkunx 'il fuq mill-età ta' ħamsa u sittin sena.”;

(b) fis-subartikolu (1A) tiegħu, minflok il-kliem “*nieqes kull zieda għall-mara*”, għandhom jidhlu l-kliem “*li kieku kienet persuna waħedha*”;

(ċ) is-subartikolu (1B) tiegħu għandu jithassar;

(d) fis-subartikolu (2) tiegħu l-kliem “*jew allowance* speċjali ta' armla” kull fejn jinsabu għandhom jithassru; u

(e) minnufih wara s-subartikolu (2) għandhom jidhlu s-subartikoli godda li ġejjin:

“(3) Għall-finijiet tas-subartikolu (1) ta' dan l-artikolu, ma jiġi kalkolat ebda qliegħ li jinkiseb minn persuna bħala membru ta' xi bord, kumitat jew kunsill imwaqqaf minn liġi jew taħt xi liġi jew dawk il-klassijiet ta' qliegħ li l-Ministru jista' b'ordni jiddikjara.

(4) Armla taħt l-età ta' 60 sena u li ma tkunx qed tirċievi pensjoni taħt l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, ikollha dritt għal pensjoni supplimentari bir-rata ta' £4.20,0 fil-gimgha b'zieda mar-rata ta' pensjoni ta' armla applikabbli għaliha taħt dan l-Att u pensjoni supplementari tibqa' tithallas biss sakemm tithallsilha pensjoni ta' armla u biss sakemm tilhaq l-età ta' 60 sena.

(5) Minkejja kull disposizzjoni oħra ta' dan l-Att, armla li kienet tirċievi pensjoni ta' armla jew *allowance* speċjali ta' armla fl-1 ta' Ġunju, 1979, skond id-disposizzjonijiet ta' dan

Emenda ta'  
l-artikolu 16  
ta' l-Att  
prinċipali.

Kap. 95.

l-Att kif kienu fis-sehħ f'dik id-data, jibqa' jkollha dritt għal pensjoni ta' armla jew għal *allowance* speċjali ta' armla sakemm kienet tibqa' hekk b'dak id-dritt kieku daww id-disposizzjonijiet baqgħu fis-sehħ bħalma kienu jsehħu fl-imsemmija data; iżda din ma jkollhiex dritt għal pensjoni supplementari li tiffallas skond is-subartikolu (4) ta' dan l-artikolu b'zieda ma' dik il-pensjoni jew *allowance*."

- 10.** L-artikolu 16A ta' l-Att prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 16A ta' l-Att prinċipali.
- (a) fis-sub-paragrafi (i), (ii) u (iii) tal-paragrafu (a) tal-proviso għas-subartikolu (1) tiegħu, minflok il-kliem "għall-post li kellha, jew post analogu għalih, minnufih" kull fejn jinsabu, għandhom jidhlu f'kull każ il-kliem "għall-post li kellha minnufih";
- (b) fil-paragrafu (b) tal-proviso għas-subartikolu (1) tiegħu, il-kelma "u" għandha tiffassar, u
- (ċ) minnufih wara l-paragrafu (ċ) tal-proviso għas-subartikolu (1) tiegħu, għandhom jidhlu l-paragrafi ġodda li ġejjin:
- “(d) meta l-post imsemmi fis-sub-paragrafi (i), (ii) u (iii) tal-paragrafu (a) ta' dan il-proviso ma jkunx għadu jeżisti dan għandu jiġi sostitwit b'dak il-post analogu fis-servizz tal-Gvern li kellu paga jew salarju li l-iktar kien jikkorrispondi qrib ma' dak tal-post in kwistjoni fiż-żmien meta kien l-aħħar okkupat mill-pensjonant;
- (e) il-paga jew is-salarju li għal dak iż-żmien ikun qed jiffallas imsemmi fis-sub-paragrafi (i), (ii) u (iii) ta' dan il-proviso ma għandux ikun iżjed mill-ammont stabbilit taħt l-ewwel proviso għat-tifsira ta' dhul pensjonabbli li tinsab fl-artikolu 2 ta' dan l-Att.”
- 11.** L-artikolu 17 ta' l-Att prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 17 ta' l-Att prinċipali.
- (a) fil-proviso għas-subartikolu (1) tiegħu, minflok il-kliem "fi żmien tliet xhur" għandhom jidhlu l-kliem "fi żmien sitt xhur";
- (b) fil-paragrafu (a) tas-subartikolu (1A) tiegħu, minflok il-figuri "£20" u "£65" għandhom jidhlu rispettivament il-figuri "£30" u "£97.50";
- (ċ) minnufih wara l-paragrafu (a) tas-subartikolu (1A) tiegħu, għandu jidded il-proviso ġdid li ġej:
- “Izda ma jiġi kalkolat ebda qliegh li jinkiseb minn persuna bħala membru ta' xi bord, kumitat jew kunsill imwaqqaf minn jew taħt xi liġi jew daww il-klassijiet ta' qliegh li l-Ministru jista', b'ordni, jiddikjara.”;
- (d) il-paragrafu (b) tas-subartikolu (1A) tiegħu għandu jiffassar;
- (e) fil-paragrafi (i) u (ii) tas-subartikolu (3) tiegħu, minflok il-kliem "tal-paga jew tas-salarju li għal dak iż-żmien ikun qed jiffallas għall-post li kellha, jew post analogu għalih, minnufih qabel ma rtirat", kull fejn jinsabu, għandhom jidhlu f'kull każ il-kliem "tad-dhul pensjonabbli tagħha";
- (f) il-paragrafu (iii) tas-subartikolu (3) tiegħu għandu jiffassar;
- (g) minnufih wara s-subartikolu (3) tiegħu għandu jidded is-subartikolu ġdid li ġej:

“(3A) Jekk id-data ta’ l-ewwel dħul fis-sigurtà ta’ persuna assigurata taħbat fis-16 jew wara s-16 ta’ Jannar, 1979, dik il-persuna assigurata ma jkollhiex dritt għal pensjoni għal min jirtira jew għal pensjoni miżjuda għal min jirtira jew għal pensjoni minima nazzjonali taħt din il-Parti.”;

(h) fil-proviso għas-subartikolu (4) tiegħu, minflok il-kliem “minnufih qabel ma rtirat” għandhom jidhlu l-kliem “li fuqhom l-imsemmija pensjoni tas-servizz tkun ibbażata”, u

(i) minnufih wara s-subartikolu (6) tiegħu għandhom jidhlu s-subartikoli godda li ġejjin :

“(7) Fil-kalkolu tad-dħul pensjonabbli d-Direttur ma għandu jqis ebda żieda jew żidiet fil-paga, salarju jew dħul matul l-aħħar għaxar snin minnufih qabel l-irtir, li fil-fehma tiegħu ma jkunux *bona fide*.

(8) Sabiex jiġi stabbilit minn sena għal sena l-ammont (jekk ikun hemm) li għandu jithallas bħala pensjoni miżjuda għal min jirtira jew bħala pensjoni minima nazzjonali, kull somma li għandha titħallas bħala pensjoni bħal dik skond is-subartikolu (3), (4) jew (6) ta’ dan l-artikolu għandha tiġi stmat mill-ġdid kull sena kif provdut fid-disposizzjonijiet li ġejjin ta’ dan l-artikolu.

(9) L-ewwel stima mill-ġdid għandha ssir b’senh mill-20 ta’ Jannar, 1979 u għandha tapplika għall-persuni kollha li kienu qed jirċievu xi waħda mill-imsemmija pensjonijiet f’xi żmien qabel dik id-data.

(10) Stimi mill-ġdid wara jsiru kull sena, b’senh mill-ewwel Sibb ta’ Jannar tas-sena li fiha ssir l-istima mill-ġdid, dwar il-persuni kollha li jkunu qed jirċievu xi waħda mill-imsemmija pensjonijiet f’xi żmien qabel l-imsemmi l-ewwel Sibb.

(11) Kull stima mill-ġdid għandha ssir billi tiġi sostitwita, minflok id-dħul pensjonabbli —

(i) fil-każ ta’ persuna li tkun irtirat qabel it-22 ta’ Jannar, 1979 —

(a) jekk meta rtirat kienet persuna mpjegata, tidhul il-paga jew is-salarju, kif fis-senh fid-data ta’ l-istima mill-ġdid, li għal dak iż-żmien ikun qed jithallas għall-post li kellha minnufih qabel ma rtirat jew għall-post li fuqu tkun ingħatat il-pensjoni tas-servizz, skond liema minnhom ikun l-akbar;

(b) jekk meta rtirat kienet persuna li timpjega lilha nnifisha, tidhul il-paga jew is-salarju, kif fis-senh fid-data ta’ l-istima mill-ġdid, li għal dak iż-żmien ikun qed jithallas għall-post li fuqu tkun ingħatat il-pensjoni tas-servizz;

(ii) fil-każ ta’ persuna li tirtira fit-22 jew wara t-22 ta’ Jannar, 1979, jidhul it-total meta tgħodd flimkien id-dħul pensjonabbli u —

(a) jekk din għandha titqies bħala persuna mpjegata, l-ammont li bih il-paga jew is-salarju li għal dak iż-żmien ikun qed jithallas għall-ogħla post li kellha matul l-aħjar perijodu konsekuttiv li fuqu jkun

infiadem id-dhul pensjonabbli tagħha jkun iżjed, fid-data effettiva ta' l-istima mill-ġdid, mill-paga jew mis-salarju ta' l-imsemmi post fid-data ta' l-irtir; u meta dik il-paga jew dak is-salarju jirrapprezenta punt fi skala, iż-żieda li għandha tiġi applikata tkun skond is-sistema tal-punt korrispondenti kif applikat mill-Gvern;

(b) jekk din għandha titqies bhala persuna li timpjega lilha nnifisha, it-total taż-żidiet fil-pagi li bil-liġi għandhom jinghataw b'mod ġenerali għall-perjodu li jaħbat bejn id-data ta' l-irtir u d-data effettiva ta' l-istima mill-ġdid:

Iżda meta xi wieħed mill-postijiet imsemmija f'dan is-subartikolu ma jkunx għadu jeżisti, dan għandu jiġi sostitwit b'dak il-post analogu fis-servizz tal-Gvern li kellu paga jew salarju li l-iktar kien jikkorrispondi qrib ma' dak tal-post l-ewwel imsemmi fiż-żmien meta dan kien l-aħħar okkupat mill-pensjonant.

(12) Minkejja d-disposizzjonijiet tas-subartikolu (11) ta' dan l-artikolu, il-paga jew is-salarju li għal dak iż-żmien ikun qed jithallas imsemmi f'dak is-subartikolu ma għandu f'ebda każ ikun iżjed mill-ammont stabbilit taħt l-ewwel proviso għat-tifsira ta' dhul pensjonabbli li tinsab fl-artikolu 2 ta' dan l-Att."

**12.** L-artikolu 17A ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 17A ta' l-Att prinċipali.

(a) minnufih wara l-kliem "l-imsemmija artikoli" għandhom jidhlu l-kliem "jew taħt il-Parti IX ta' dan l-Att", u

(b) fil-proviso li hemm għalih, minnufih wara l-kliem "l-imsemmija artikoli" għandhom jidhlu l-kliem "jew l-imsemmija Parti IX".

**13.** L-artikolu 17B ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 17B ta' l-Att prinċipali.

(a) fis-subartikolu (1) tiegħu minflok il-kliem "taħt l-artikoli 16A u 17" għandhom jidhlu l-kliem "taħt l-artikoli 16, 16A u 17 u s-subartikolu (2) ta' l-artikolu 25"; u

(b) minflok is-subartikolu (2) tiegħu għandu jidhol is-subartikolu ġdid li ġej:

"(2) Għall-finijiet ta' dan l-artikolu meta liċenza biex tikkummerċja tkun f'xi żmien f'isem persuna assigurata jew mart jew żewġ dik il-persuna assigurata, u n-negozju li għalih tirreferi l-liċenza jkun f'xi żmien trasferit mill-imsemmija persuna assigurata jew minn mart jew żewġ dik il-persuna assigurata lil xi persuna oħra li tkun tirrisjedi miegħu jew magħha bhala familja waħda fiż-żmien meta ssir l-applikazzjoni għal pensjoni kif imsemmi fis-subartikolu (1) ta' dan l-artikolu jew meta dik il-pensjoni tkun qed tithallas, dik il-persuna assigurata għandha titqies li tkun għadha fil-pussess tal-liċenza biex tikkummerċja."

**14.** Minflok is-subartikolu (3) ta' l-artikolu 19 ta' l-Att prinċipali għandu jidhol is-subartikolu ġdid li ġej:

Emenda ta' l-artikolu 19 ta' l-Att prinċipali.

"(3) Bla ħsara għad-disposizzjonijiet ta' l-artikolu 33 ta' dan l-Att, il-benefiċċju ma għandux jithallas dwar disgrazzja li tiġri lil persuna assigurata waqt li tkun barra minn Malta, jekk id-disgrazzja ma tiġrix minhabba u fil-kors ta' impieg li hu speċifikat fl-artikolu

5C ta' dan l-Att jew fil-proviso għall-paragrafu 1 tal-Parti I ta' l-Ewwel Skeda li tinsab ma' dan l-Att jew fil-paragrafu 2 ta' l-imsemmija Parti I ta' l-Ewwel Skeda.”.

Emenda ta' l-artikolu 25 ta' l-Att prinċipali.

15. L-artikolu 25 ta' l-Att prinċipali għandu jigi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu il-kliem “(è) *allowance* għal armla;” għandhom jithassru;

(b) minflok il-paragrafu (a) tas-subartikolu (2) tiegħu għandu jidhol dan li ġej:

“(a) l-armla jkollha dritt għal benefiċċju għal armla matul kull perijodu li fih tissodisfa waħda mill-kondizzjonijiet li jinsabu fil-proviso għas-subartikolu (1) ta' l-artikolu 16 ta' dan l-Att; u għall-finijiet ta' dan il-paragrafu, is-subartikolu (3) ta' l-imsemmi artikolu 16 għandu japplika wkoll;” u

(è) fis-subartikolu (3) tiegħu minflok il-kliem “benefiċċju għal mewt” kull fejn jinsabu, għandhom jidhlu f'kull każ il-kliem “benefiċċju għal armla”; u

(d) minnufih wara s-subartikolu (3) tiegħu għandhom jiżdiedu s-subartikoli godda li ġejjin:

“(4) Armla taħt l-età ta' 60 sena u li ma tkunx qed tirċievi pensjoni taħt l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, ikollha dritt għal pensjoni supplementari bir-rata ta' £4.20,0 fil-gimgha b'zieda mal-benefiċċju għal armla li jitħallas taħt dan l-Att; u pensjoni supplementari tibqa' titħallas biss sakemm jithallsilha benefiċċju għal armla u biss sakemm tilhaq l-età ta' 60 sena.

(5) Minkejja kull disposizzjoni oħra ta' dan l-Att, armla li kienet tirċievi benefiċċju għal armla jew *allowance* għal armla fl-1 ta' Gunju, 1979 skond id-disposizzjonijiet ta' dan l-Att kif kien fis-seħh f'dik id-data, jibqa' jkollha dritt għal benefiċċju għal armla jew *allowance* għal armla sakemm kienet tibqa' hekk b'dak id-dritt kieku daww id-disposizzjonijiet baqgħu fis-seħh bħalma kienu jseħħu fl-imsemmija data; iżda din ma jkollhiex dritt għall-pensjoni supplementari li titħallas skond is-subartikolu (4) ta' dan l-artikolu b'zieda ma' dak il-benefiċċju jew dik l-*allowance*.”.

Zieda ta' artikolu ġdid 33A ma' l-Att prinċipali.

16. Minnufih wara l-artikolu 33 ta' l-Att prinċipali għandu jidhol l-artikolu ġdid ġej:

“*Inmates* fi djar għax-xjuħ u f'istituzzjonijiet oħra.

33A. (1) Meta, matul xi perijodu wara l-21 ta' Lulju, 1979, persuna tkun qed tirċievi pensjoni, benefiċċju jew *allowance* li titħallas taħt l-artikoli 16, 16A, 17, 17A, 24 u 25 ta' dan l-Att (barra minn *allowance* għal iltiema) din għandha

(a) jekk tkun *inmate* f'dik l-istituzzjoni għal kura u ħarsien soċjali tax-xjuħ, li tkun speċifikata mill-Ministru b'avviż fil-Gazzetta tiegħa mill-irċievi dik il-pensjoni, benefiċċju jew *allowance* għall-perijodu kollu li matulu hekk tibqa' *inmate* bħal dik;

(b) jekk tkun *inmate* f'xi istituzzjoni oħra li tkun speċifikata mill-Ministru b'avviż fil-Gazzetta, u tkun ilha hekk *inmate* għal perijodu ta' iżjed minn sitt xhur conse-

kuttivi, tiegaf milli tirċievi dik il-pensjoni, beneficiċċju jew *allowance* għal dak il-perijodu wara l-imsemmija sitt xhur li matulu hekk tibqa' *inmate*;

u minflok għandha tirċievi —

(i) sittin fil-mija tar-rata applikabbli fil-każ tagħha skond ir-rati ta' pensjoni, beneficiċċju jew *allowance* fis-sehħ fl-20 ta' Jannar, 1979, sa dak iż-żmien li dik ir-rata tirrappreżenta erbgħin fil-mija tal-pensjoni, beneficiċċju jew *allowance* li mbagħad kien ikollha dritt għaliha li kieku ma kienx *inmate* kif intqal qabel; u

(ii) wara dak iż-żmien kif intqal qabel, erbgħin fil-mija tar-rata li f'dak iż-żmien tkun tapplika għaliha, hekk iżda li jekk tkun persuna minn koppja miżżewġa li t-tnejn li huma jkunu *inmates* kif intqal qabel u li minnhom persuna waħda biss mill-miżżewġin tkun qed tirċievi pensjoni, beneficiċċju jew *allowance* mnaqqsa kif intqal qabel jew skond l-artikolu 99 ta' dan l-Att, l-imsemmija pensjoni mnaqqsa għandha tithallas f'zewġ porzjonijiet indaqs lir-raġel u lil martu; u l-bilanċ għandu jithallas lill-Kumitat dwar Għajjnuna Soċjali mwaqqaf taħt l-Att ta' l-1956 dwar l-Għajjnuna Nazzjonali:

Att VIII  
ta' l-1956

Iżda meta persuna li għaliha japplika dan is-sub-artikolu tkun raġel miżżewweġ li, kieku ma kenux id-disposizzjonijiet ta' dan is-subartikolu kien jirċievi rata applikabbli għal raġel miżżewweġ, u li martu —

(i) ma tkunx hi nnifisha hekk *inmate*; u

(ii) ma tkunx hi nnifisha qed tirċievi pensjoni, beneficiċċju jew *allowance* fil-ġimgħa skond l-artikoli 16A, 17 u 24 ta' dan l-Att jew skond il-Parti IX ta' dan l-Att, dak ir-raġel miżżewweġ ma jkollux jedd għall-imsemmija pensjoni, beneficiċċju jew *allowance* imnaqqsa kif intqal qabel, iżda martu jkollha jedd għal dik ir-rata ta' pensjoni li kienet tkun applikabbli għal zewġha li kieku kien persuna waħedha; u d-differenza bejn ir-rata tal-miżżewġin għal dik il-pensjoni li kienet tkun applikabbli fil-każ tiegħu u dik il-pensjoni li tithallas lil martu skond dan il-proviso għandha tithallas, erbgħin fil-mija lir-raġel, u s-sittin fil-mija lill-imsemmi Kumitat dwar Għajjnuna Soċjali:

Iżda wkoll meta persuna li għaliha jkun japplika dan is-subartikolu jkollha jedd għal zieda dwar tifel jew tifla skond l-artikolu 30 ta' dan l-Att, dik iż-żieda ma għandhiex tithallas lil dik il-persuna iżda għandha tithallas lil dik il-persuna l-oħra, barra minn istituzzjoni, li fil-fehma tad-Direttur ikollha l-kustodja tat-tifel jew tifla li dwarha tkun qed tithallas iż-żieda.

(2) Meta, matul xi perijodu wara l-21 ta' Lulju, 1979, mart persuna li tkun qed tirċievi pensjoni jew *allowance* li tithallas taħt l-artikoli 16A, 17, 17A, 24 u 25 ta' dan l-Att, tkun *inmate* ta' istituzzjoni speċifikata kif provdut fil-paragrafi (a) u (b) tas-subartikolu (1) ta' dan l-artikolu, zewġ dik il-mara kemm-il darba hi nnifisha ma tkunx qed tirċievi pensjoni, beneficiċċju jew *allowance* li tithallas taħt l-artikolu 16A, 17 jew 24

ta' dan l-Att jew pensjoni taht il-Parti IX ta' dan l-Att ma jib-gax ikompli jirċievi dik il-pensjoni bir-rata applikabbli fil-każ tiegħu għal raġel miżżewweġ u għandu jirċievi minflok dik il-pensjoni bir-rata applikabbli fil-każ tiegħu għal persuna waħedha; u d-differenza bejn ir-rati ta' pensjoni ta' persuna miżżewġa u ta' persuna waħedha applikabbli fil-każ tiegħu għandha tit-hallas, erbgħin fil-mija lill-mara, u s-sittin fil-mija lill-Kumitat dwar Għajjuna Soċjali msemmi fis-subartikolu (1) ta' dan l-artikolu.”.

Emenda ta' l-artikolu 34 ta' l-Att prinċipali.

17. Fil-paragrafu (a) tas-subartikolu (2) ta' l-artikolu 34 ta' l-Att prinċipali, minflok il-kliem “tliet xhur” għandha tidhol il-kelma “sentejn”.

Emenda ta' l-artikolu 35 ta' l-Att prinċipali.

18. L-artikolu 35 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (2) tiegħu l-kliem “allowance speċjali ta' armla” għandhom jiġihassru; u

(b) fis-subartikolu (3) tiegħu, minflok il-kliem “sitt xhur” għandha tidhol il-kelma “sena”.

Emenda ta' l-artikolu 38 ta' l-Att prinċipali.

19. Is-subartikolu (3) ta' l-artikolu 38 ta' l-Att prinċipali għandu jiġihassar.

Emenda ta' l-artikolu 39 ta' l-Att prinċipali.

20. Fis-subartikolu (3) ta' l-artikolu 39 ta' l-Att prinċipali, minflok il-kliem “akkreditat lill-Kont tas-Sigurtà Nazzjonali” għandhom jidhlu l-kliem “akkreditat lill-Fond Konsolidat”.

Emenda ta' l-artikolu 43 ta' l-Att prinċipali.

21. Minflok is-subartikolu (1) ta' l-artikolu 43 ta' l-Att prinċipali, għandu jidhol dan li ġej:

“(1) Appell għandu jmur quddiem l-arbitru minn xi deċiżjoni tad-Direttur fuq xi punt tal-liġi jew prinċipju ta' mportanza li jit-qanqal dwar xi deċiżjoni ta' xi kwistjoni taht l-artikolu erbgħin jew xi talba taht l-artikolu wieħed u erbgħin ta' dan l-Att, kif ukoll minn xi deċiżjoni tad-Direttur mogħtija taht is-subartikolu (7) jew (11) ta' l-artikolu 17 jew taht l-artikolu 95 jew 96 ta' dan l-Att —

(a) fuq it-talba ta' kull persuna aggravata bid-deċiżjoni tad-Direttur;

(b) mill-werrieta ta' xi persuna hekk aggravata; jew

(ċ) fuq it-talba ta' *trade union* jekk il-persuna hekk aggravata tkun, jew fiż-żmien ta' mewtha kienet, membru ta' dik *it-trade union*.”.

Emenda ta' l-artikolu 46 ta' l-Att prinċipali.

22. Fil-paragrafu (ċ) ta' l-artikolu 46 ta' l-Att prinċipali, minflok il-kliem “lill-Kont tas-Sigurtà Nazzjonali” għandhom jidhlu l-kliem “taht dan l-Att”.

Emenda ta' l-artikolu 50 ta' l-Att prinċipali.

23. L-artikolu 50 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok is-subartikolu (1) tiegħu, għandu jidhol is-subartikolu gdid li ġej:

“(1) Il-benefiċċji, *allowances* u pensjonijiet kollha li jit-hallsu taht dan l-Att għandhom joħorgu mill-Fond Konsolidat mingħajr aktar approprjazzjoni hliet dan l-Att.”;

(b) is-subartikolu (2) tiegħu għandu jithassar, u

(c) minflok is-subartikolu (3) tiegħu għandu jidhol is-subartikolu ġdid li ġej:

“(3) Bla ħsara għad-disposizzjonijiet ta’ l-Att ta’ l-1962 dwar l-Amministrazzjoni Finanzjarja u l-Verifika, id-Direttur għandu jzomm registrazzjonijiet xierqa tal-ħruġ u d-dhul kollu taħt dan l-Att u għal dan l-għan għandu jzomm Kont separat hawnhekk iżjed ‘il quddiem imsejjah “il-Kont” kif jistabbilixxi bl-approvazzjoni ta’ l-*Accountant General*.”.

Att Nru. I  
ta’ l-1962

24. Is-subartikolu (2) ta’ l-artikolu 53 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta’  
l-artikolu 53  
ta’ l-Att  
prinċipali.

(a) minnufih wara l-kliem “fuq xi revizjoni bħal din, jista’” għandhom jidhlu l-kliem “bi ftehim mal-Ministru responsabbli għall-finanzi,” u

(b) il-kliem “fl-istat finanzjarju tal-Kont” għandhom jithassru.

25. L-artikolu 54 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta’  
l-artikolu 54  
ta’ l-Att  
prinċipali.

(a) minflok is-subartikolu (1) tiegħu għandu jidhol dan li ġej:

“(1) Jekk xi prinċipal jonqos jew jittraskura li jhallas xi kontribuzzjoni ta’ l-ewwel klassi li hu sugġett li jhallas taħt dan l-Att, jehel meta jinsab ħati prigunerija għal żmien ta’ mhux iżjed minn sitt xhur u għal kull kontribuzzjoni bħal dik mhux imħallsa multa ta’ mhux inqas minn ħames liri.” u

(b) minnufih wara s-subartikolu (4) tiegħu għandhom jidhlu s-subartikoli ġodda li ġejjin:

Kap. 12  
Att XII ta’  
l-1957 “(5) Id-disposizzjonijiet ta’ l-artikolu 23A tal-Kodiċi Kriminali u ta’ l-Att ta’ l-1957 dwar il-*Probation* ta’ Ħatjin ma jkunux applikabbli dwar xi reat taħt dan l-artikolu.

(6) Meta xi proċedimenti jiġu ppreżentati f’xi qorti min-ħabba nuqqas ta’ ħlas ta’ kontribuzzjonijiet ta’ l-ewwel klassi l-qorti għandha tisma’ u tiddeċiedi dawk il-proċedimenti bl-urġenza.

(7) Minkejja d-disposizzjonijiet ta’ kull liġi oħra, it-talba tad-Direttur għal xi ammont dovut bħala kontribuzzjoni taħt dan l-artikolu tikkostitwixxi talba privileġġata fl-istess grad bħall-pagi ta’ mpjegati fuq l-attiv tal-prinċipal u dan l-ammont għandu jithallas flimkien mal-pagi bi preferenza fuq it-talbiet l-oħra kollha sew jekk privileġġati jew ipotekarji.”.

26. Fis-subartikolu (1) ta’ l-artikolu 54A ta’ l-Att prinċipali, minflok il-kliem “għal kull reat bħal dak” għandhom jidhlu l-kliem “għal kull kontribuzzjoni hekk mhux imħallsa”.

Emenda ta’  
l-artikolu 54A  
ta’ l-Att  
prinċipali.

27. Minnufih wara s-subartikolu (1) ta’ l-artikolu 55 ta’ l-Att prinċipali għandu jidhol is-subartikolu ġdid li ġej:

Emenda ta’  
l-artikolu 55  
ta’ l-Att  
prinċipali.

“(2) Meta xi persuna, sabiex thallas kontribuzzjoni tat-tieni klassi bir-rata aktar baxxa —

(i) xjentement jew bi traskuraġni tagħmel xi dikjarazzjoni falza jew rappreżentazzjoni falza; jew

(ii) tipproduċi jew tagħti, jew iġġieghel jew xjentement tħalli li jiġi prodott jew mogħti, xi dokument jew tagħrif li hi tkun taf li hu falz f'materjal partikolari,

tehel meta tinsab haġja multa ta' mhux inqas minn ħames mitt lira u mhux iżjed minn elf lira.”.

Emenda ta' l-artikolu 58 ta' l-Att prinċipali.

**28.** Fis-subartikolu (1) ta' l-artikolu 58 ta' l-Att prinċipali, minflok il-kliem “u taħt l-artikolu sitta u ħamsin” għandhom jidhlu l-kliem “u taħt l-artikoli erbgħa u ħamsin u sitta u ħamsin”.

Sostituzzjoni ta' l-artikolu 61 ta' l-Att prinċipali.

**29.** Minflok l-artikolu 61 ta' l-Att prinċipali għandu jidhlo l-artikolu ġdid li ġej:

“Respon-  
sabbiltà  
ta' *manager*  
u ta'  
uffiċjal  
prinċipali  
iehor ta'  
korp ta'  
persuni.  
Att Nru.  
VII ta'  
1-1975

61. (1) Bla ħsara għad-disposizzjonijiet ta' l-artikolu 13 ta' l-Att ta' 1-1975 dwar l-Interpretazzjoni, meta xi att, affarijiet jew haġa oħra li huma meħtieġa li jsiru jew li m'għandhomx isiru skond jew taħt dan l-Att għandhom isiru jew m'għandhomx isiru minn korp jew għaqda oħra ta' persuni, dak l-att, affarijiet jew haġa jkunu wkoll meħtieġa li jsiru jew li ma jsirux personalment mill-*manager* jew uffiċjal prinċipali iehor ta' dak il-korp jew dik l-għaqda; u d-disposizzjonijiet ta' dan l-Att u ta' kull regola-menti magħmula bis-saħħa tiegħu għandhom japplikaw f'dan is-sens.

(2) Meta fl-applikazzjoni tas-subartikolu (1) ta' dan l-artikolu jkollu jsir xi ħlas minn korp jew għaqda ta' persuni u mill-*manager* jew uffiċjal prinċipali iehor tagħha, dak l-obbligu jkun *in solidum*.”.

Emenda ta' l-artikolu 62 ta' l-Att prinċipali.

**30.** Fil-paragrafu (b) tas-subartikolu (1) ta' l-artikolu 62 ta' l-Att prinċipali, il-kliem “*allowance* speċjali ta' armla”, għandhom jithassru.

Emenda ta' l-artikolu 63 ta' l-Att prinċipali.

**31.** Fis-subartikolu (1) ta' l-artikolu 63 ta' l-Att prinċipali, minflok il-kliem “għal kull nuqqas jew traskuraġni” għandhom jidhlu l-kliem “għal kull kontribuzzjoni hekk mhux imħallsa”.

Emenda ta' l-artikolu 63A ta' l-Att prinċipali.

**32.** Fl-artikolu 63A ta' l-Att prinċipali, minflok il-kliem “għal kull nuqqas jew traskuraġni bħal dawk” għandhom jidhlu l-kliem “għal kull kontribuzzjoni hekk mhux imħallsa”.

Zieda ta' artikoli godda 63B u 63C ma' l-Att prinċipali.

**33.** Minnufih wara l-artikolu 63A ta' l-Att prinċipali għandhom jidhlu l-artikoli godda li ġejjin:

“Tagħrif  
meħtieġ  
mid-  
Direttur.

63B. (1) Kull persuna li f'xi żmien ikollha jew kellha fl-impieg tagħha xi persuna mpjegata għandha tagħti lid-Direttur jew lill-Kummissarju tat-Taxxi Nterni f'isem id-Direttur dak it-tagħrif dwar dik il-persuna mpjegata li hu jista' jeħtieġ għall-finijiet ta' dan l-Att u f'dak iż-żmien li jkun muri fit-talba.

(2) Jekk xi persuna tonqos li tagħti xi tagħrif bħal dak għal kolloxx jew f'parti fiż-żmien muri fit-talba din tehel meta tinsab haġja multa ta' mhux inqas minn ħamsin lira għal kull reat bħal dak u multa ta' mhux inqas minn lira għal kull gurnata li matulha l-imsemmi reat ikompli:

Iżda ebda proċedimenti ma għandhom jittiehdu kontra tagħha jekk, wara li intimazzjoni bil-miktub ta' l-akkuża kontra tagħha tkun ingħatat lilha, hi taqbel li tħallas u fil-fatt tħallas lid-Direttur f'dak iż-żmien stabbilit minn dan ta' l-aħħar penali ta' mhux iżjed minn ħamsa u għoxrin lira għal kull nuqqas hekk kif intqal qabel u penali oħra ta' mhux iżjed minn ħamsin ċenteżmu għal kull gurnata li matulha dak in-nuqqas ikompli.

Meta mpjegat ma jkollux htija l-kontribuzzjonijiet mhux imħallsa jitqiesu bhala mħallsa.

63Ċ. Sabiex jiġi stabbilit jekk persuna assicurata tisso-disfax il-kondizzjonijiet ta' kontribuzzjoni meħtieġa b'dan l-Att, kull kontribuzzjonijiet dovuti iżda mhux imħallsa dwar persuna mpjegata taħt l-artikolu 5 ta' dan l-Att jistgħu, kemmil darba d-Direttur ikun sodisfatt li dak in-nuqqas ta' ħlas ma jkunx sar minhabba htija tal-persuna mpjegata, jew għax dik il-persuna tkun ħalliet dak in-nuqqas isir, jitqiesu mid-Direttur li jkunu tħallsu; iżda għall-finijiet l-oħra kollha jitqiesu bhala mhux imħallsa.”

34. Fis-subartikolu (7) ta' l-artikolu 68 ta' l-Att prinċipali, il-kliem “mill-Kont” għandhom jithassru.

Emenda ta' l-artikolu 68 ta' l-Att prinċipali.

35. Minnufih wara l-artikolu 69 ta' l-Att prinċipali għandu jiżdied l-artikolu ġdid li ġej:

Żieda ta' artikolu ġdid 69A ma' l-Att prinċipali.

“Kontribuzzjonijiet taħt l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema. Kap. 95.

69A. Minkejja kull disposizzjoni ta' l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema kull kontribuzzjoni li għandha tithallas taħt dak l-Att għandha, b'effett mill-1 ta' Gunju, 1979, ma tibqax tithallas, iżda d-disposizzjonijiet ta' dak l-Att għandhom, b'effett mill-imsemmija data, jibqa' jkollhom effett daqslikieku l-kontribuzzjonijiet kollha li, kieku ma kenux id-disposizzjonijiet ta' dan l-artikolu, kien ikollhom jithallsu taħt dak l-Att, kienu fil-fatt tħallsu.”

36. Minflok il-paragrafu (a) ta' l-artikolu 76 ta' l-Att prinċipali għandu jidhol dan li ġej:

Emenda ta' l-artikolu 76 ta' l-Att prinċipali.

“(a) fil-każ ta' *allowance* tat-tfal —

(i) dwar l-ewwel tifel jew tifla eliġibbli 188 ċenteżmu fil-ġimgħa;

(ii) dwar it-tieni tifel jew tifla eliġibbli 157 ċenteżmu fil-ġimgħa; u

(iii) dwar it-tielet tifel jew tifla eliġibbli 105 ċenteżmu fil-ġimgħa;”.

37. L-artikolu 83 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 83 ta' l-Att prinċipali.

(a) fil-paragrafu (a) tas-subartikolu (1) tiegħu, minflok il-kliem “tliet xhur” għandha tidhol il-kelma “sena”;

(b) fil-paragrafu (b) tas-subartikolu (1) tiegħu, minflok il-kliem “tliet xhur” kull fejn jinsabu għandha tidhol f'kull każ il-kelma “sena”; u

(ċ) fis-subartikolu (4) tiegħu minflok il-kliem “sitt xhur” għandha tidhol il-kelma “sena”.

Thassir ta' l-artikolu 84 ta' l-Att prinċipali.

Dhul ta' Parti IX ġdida ma' l-Att prinċipali.

38. L-artikolu 84 ta' l-Att prinċipali għandu jithassar.

39. Minnufih wara l-Parti VIII ta' l-Att prinċipali għandha tidhol il-Parti ġdida li ġejja:

#### "PARTI IX

Tfissir.

88. F'din il-Parti, kemm-il darba r-rabta tal-kliem ma teħtieġx xort'oħra:

"pensjoni" tfisser pensjoni li tithallas taħt din il-Parti;

"gratifikazzjoni" tinkludi kull somma ta' flus, tkun kif tkun deskritta, li jkollha tithallas jew tkun tħallset, sew direttament jew indirettament u sew jekk taħt skema kontributorja jew le, minn prinċipal lil persuna mpjegata min-ħabba jew bħala konsegwenza ta' l-irtir ta' dik il-persuna mill-impieg tagħha, barra minn —

(a) il-parti kommutata ta' pensjoni tas-servizz; jew

(b) somma mħallsa bħala benefiċċju ta' tmiem ta' mpieg li tiġi murija għas-sodisfazzjoni tad-Direttur li tkun tħallset għal tmiem ta' impieg qabel iż-żmien.

Kondizzjonijiet għal kwalifika ta' pensjoni.

89. Persuna assigurata —

(a) li kienet persuna mpjegata jew persuna li timpjega lilha nnifisha għal mhux inqas minn għaxar snin b'kollox qabel ma tkun irtirat, u

(b) li tirtira fis-16 jew wara s-16 ta' Jannar, 1979; u

(c) li tkun ħallset ir-rata ta' kontribuzzjoni xierqa taħt dan l-Att f'xi żmien wara l-21 ta' Jannar, 1979; u

(d) fil-każ ta' persuna li timpjega lilha nnifisha, tkun ħallset għall-anqas 156 kontribuzzjoni wara l-21 ta' Jannar, 1979, u

(e) ma tkunx skwalifikata taħt l-artikolu 90 ta' dan l-Att,

ikollha dritt għall-pensjoni taħt u skond id-disposizzjonijiet ta' din il-Parti.

Skwalifiki.

90. (1) Persuna assigurata taħt l-età ta' 65 sena tkun skwalifikata milli tirċievi pensjoni matul kull perijodu li fih tkun qed taħdem bi qliegħ u li tonqos li ttipprova għas-sodisfazzjon tad-Direttur li l-qliegħ tagħha minn dak ix-xogħol bi qliegħ ma jkunx iżjed minn £30 f'xi perijodu ta' erba ġimgħat jew £97.50 f'xi perijodu ta' tlittax-il ġimgħa:

Iżda ma jiġi kalkolat ebda qliegħ li jinkiseb minn persuna bħala membru ta' xi bord, kumitat jew kunsill imwaqqaf minn jew taħt xi liġi jew dawk il-klassijiet ta' qliegħ li l-Ministru jista', b'ordni, jiddikjara.

(2) Persuna assigurata taħt l-età ta' 65 sena li ma' l-irtir għandha titqies bħala persuna li timpjega lilha nnifisha

tkun skwalifikata milli tircievi pensjoni matul kull perijodu li fih tikseb dħul nett (barra minn dħul minn xogħol bi qliegħ u kull pensjoni tas-servizz) b'rata ta' iktar minn £490 kull sena.

(3) Persuna assigurata taħt l-età ta' 65 sena tkun skwalifikata milli tircievi pensjoni matul kull perijodu li fih dik il-persuna assigurata jew mart jew żewġ dik il-persuna assigurata, skond il-każ, ikollha fil-pussess tagħha xi liċenza maħruġa mill-Kummissarju tal-Pulizija biex tmexxi kummerċ jew negozju:

Iżda, meta l-persuna li jkollha liċenza bħal dīk tkun persuna li tkun miżżewġa lil persuna assigurata, il-persuna assigurata xorta jkollha dritt li tircievi pensjoni (meta din tkun applikabbli daqslikieku kienet persuna waħedha) jekk ma jkunx hemm komunjoni ta' l-akkwisti bejn iż-żewġ persuni miżżewġa jew għax tkun giet eskluża minnhom fil-kuntratt taż-żwieġ li jkun sar qabel iż-żwieġ tagħhom jew kienet giet eskluża minnhom permezz ta' kuntratt skond il-liġi li jkun sar qabel l-1 ta' April, 1978, jew għax tkun giet xolta bħala riżultat tal-firda legali tagħhom minn ma' xulxin.

(4) Għall-finijiet tas-subartikolu (3) ta' dan l-artikolu, meta liċenza biex tikkummerċja tkun f'xi żmien f'isem persuna assigurata jew mart jew żewġ dik il-persuna assigurata, u n-negozju li għalih tirreferi l-liċenza jkun f'xi żmien trasferit mill-imsemmija persuna assigurata jew minn mart jew żewġ dik il-persuna assigurata lil xi persuna oħra li tkun tirrisjedi miegħu jew magħha bħala familja waħda f'xi żmien meta pensjoni, li kieku ma kienx għad-disposizzjonijiet ta' l-imsemmi subartikolu (3), kien ikollha tithallas, dik il-persuna assigurata għandha titqies li tkun għadha fil-pussess tal-liċenza biex tikkummerċja.

Rata ta'  
pensjoni.

91. (1) Bla fisara għad-disposizzjonijiet ta' din il-Parti, ir-rata sħiħa ta' pensjoni tkun ta' żewġ terzi tad-dħul pensjonabbli tal-persuna assigurata.

(2) Ir-rata sħiħa ta' pensjoni għandha tithallas lil persuna li tkun hallset jew tkun giet akkreditata b'medja ta' ħamsin kontribuzzjoni fis-sena matul perijodu ta' tletin sena jew dak in-numru ta' snin ieħor li jkun iżgħar li jikkorrispondi għan-numru ta' snin mill-1 ta' Jannar, 1956, jew, jekk il-persuna assigurata hekk tagħzel, mill-1 ta' Jannar, 1965, sa l-aħħar tas-sena ta' kontribuzzjoni minnufih qabel l-irtir tagħha :

Iżda —

(a) il-perijodu ta' snin li għandu jiġi kalkolat skond dan is-subartikolu għandu jinkludi l-aħħar għaxar snin konsekuttivi li jispiċċaw fl-aħħar ġurnata tas-sena ta' kontribuzzjoni minnufih qabel l-irtir tagħha jew meta saret intitolata għal pensjoni taħt l-artikolu 16A ta' dan l-Att, skond il-każ; u

(b) ma għandhom jiġu kalkolati ebda kontribuzzjonijiet akkreditati taħt l-artikolu 9 ta' dan l-Att fil-waqt li l-persuna assigurata kienet intitolata għal pensjoni taħt l-artikolu 16A ta' dan l-Att; u f'każ bħal dan il-perijodu ta' snin li għandu jiġi kalkolat skond dan is-subartikolu

għandu jispiċċa fl-aħħar ġurnata tas-sena ta' kontribuzzjoni minnufih qabel id-data li fiha tkun saret intitolata għal pensjoni taħt l-imsemmi artikolu 16A.

(3) Minkejja d-disposizzjonijiet ta' qabel ta' dan l-artikolu, meta persuna assigurata tikkwalifika għar-rata sħiħa ta' pensjoni —

- (a) din m'għandha f'ebda każ tircievi inqas minn —
  - (i) żewġ terzi ta' £18.88 fil-ġimgħa; jew
  - (ii) jekk tkun raġel miżżewweġ, żewġ terzi ta' £22.65 fil-ġimgħa;

(b) jekk din ma' l-irtir tagħha għandha titqies bħala persuna li timpjega lilha nnifisha u r-rata ta' kontribuzzjoni li l-aħħar kellha titfallas bħala persuna li timpjega lilha nnifisha tkun, skond id-disposizzjonijiet ta' dan l-Att, kontribuzzjoni tat-tieni klassi bir-rata oġġla, din għandha tircievi pensjoni bir-rata fil-ġimgħa ta' żewġ terzi ta' £30.68;

(c) din m'għandha f'ebda każ tircievi bħala pensjoni taħt din il-Parti rata fil-ġimgħa li tkun iżjed minn żewġ terzi ta' £30.68.

(4) Meta l-kondizzjoni ta' medja ta' 50 kontribuzzjoni fis-sena meħtieġa bis-subartikolu (2) ta' dan l-artikolu ma tkunx sodisfatta, il-proporzjon ta' żewġ terzi msemmi fis-subartikoli (1) u (3) ta' dan l-artikolu għandu jiġi multiplikat bil-proporzjon li dik il-medja ta' kontribuzzjonijiet fis-sena mħallsa jew akkreditati (barra minn dawk akkreditati taħt l-artikolu 9 ta' dan l-Att fil-waqt li l-persuna assigurata kellha dritt għal pensjoni għal invalidità jew għal pensjoni miżjudha għal invalidità jew, qabel ma tkun laħqet l-età ta' pensjoni, għal pensjoni minima nazzjonali) għandha ma' 50; u r-rizultat ta' dik il-multiplikazzjoni jissostitwixxi l-imsemmi proporzjon ta' żewġ terzi.

Tnaqqis ta' pensjoni minhabba pensjoni tas-servizz jew gratifikazzjoni.

92. (1) Meta persuna jkollha dritt għal pensjoni tas-servizz li ebda parti minnha ma tkun ġiet kommutata, kull pensjoni li tinkiseb skond id-disposizzjonijiet ta' l-artikolu 91 ta' dan l-Att għandha titnaqqas bl-ammont ta' dik il-pensjoni tas-servizz.

(2) Meta persuna jkollha dritt għal pensjoni tas-servizz li tkun ġiet kommutata għal kollox jew f'parti, kull pensjoni li tinkiseb skond id-disposizzjonijiet ta' l-artikolu 91 ta' dan l-Att għandha titnaqqas bl-ammont meta tghodd flimkien —

- (a) il-pensjoni tas-servizz, u
- (b) nofs id-differenza, jekk ikun hemm, li tirriżulta meta jitnaqqas —
  - (i) l-ammont tal-parti kommutata tal-pensjoni tas-servizz, minn
  - (ii) l-ammont li jkollu l-istess proporzjon għad-dhul pensjonabbli kif dik il-parti kommutata tal-

pensjoni tas-servizz ikollha ma' l-emolumenti li fuqhom tkun ingħatat dik il-pensjoni tas-servizz.

(3) Meta persuna tkun ingħatat gratifikazzjoni, dik il-gratifikazzjoni għandha tiġi maqluba għal pensjoni ipotetika fis-sena li tkun daqs hamsa fil-mija ta' l-imsemmija gratifikazzjoni u s-subartikolu (2) ta' dan l-artikolu għandu japplika kif ġej:

(a) meta l-persuna assicurata ma jkollhiex jedd għal pensjoni tas-servizz, l-imsemmija pensjoni ipotetika għandha titqies bħala pensjoni tas-servizz li tkun ġiet kommutata għal kollox;

(b) meta l-persuna assicurata jkollha jedd għal pensjoni tas-servizz li ebda parti minnha ma tkun ġiet kommutata, l-imsemmija pensjoni ipotetika għandha tkun —

(i) magħduda mal-pensjoni tas-servizz, u

(ii) sostitwita minflok il-parti kommutata tal-pensjoni tas-servizz;

(c) meta l-persuna assicurata jkollha dritt għal pensjoni tas-servizz li tkun ġiet kommutata għal kollox jew f'parti, il-pensjoni tas-servizz u l-parti kommutata ta' dik il-pensjoni tas-servizz għandhom jiżdedu kull wieħed minnhom bil-pensjoni ipotetika;

(d) meta l-persuna assicurata jkollha dritt għal pensjoni tas-servizz li tithallas minn prinċipal wieħed u għal gratifikazzjoni li tithallas minn prinċipal ieħor, il-gratifikazzjoni għandha titqies għal rasha u tkun relatata għall-emolumenti, fiż-żmien li tkun ingħatat, tal-post okkupat f'dak iż-żmien:

Iżda meta l-persuna assicurata tagħżel li tħallas u fi żmien sena mill-irtir tagħha tħallas lid-Direttur l-ammont sħiħ tal-gratifikazzjoni, id-disposizzjonijiet ta' dan is-subartikolu għandhom jieqfu milli japplikaw b'seħħ mid-data ta' dak il-ħlas.

Hiis ta' pensjoni taht il-Parti III ta' dan l-Att.

93. Meta persuna tikkwalifika għal pensjoni taht il-Parti III ta' dan l-Att u għal pensjoni taht din il-Parti, hi jkollha dritt għall-pensjoni li tkun l-aktar vantaġġjuża għaliha, iżda għal dik il-pensjoni biss.

Minn meta tibda l-pensjoni.

94. Il-pensjoni għandha tithallas lil persuna b'seħħ mid-data ta' l-irtir tagħha jekk din tagħmel talba għaliha fi żmien sitt xhur minn dik id-data; u jekk ma tagħmilx talba matul dak iż-żmien, il-pensjoni għandha tithallas b'seħħ mid-data li fiha ssir it-talba.

Zidiet li ma' jitqisux bona fide.

95. Għall-finijiet ta' din il-Parti, fil-kalkolu tad-dhul pensjonabbli d-Direttur ma għandu jqis ebda zieda jew zidiet fil-paga, salarju jew dhul matul l-aħħar għaxar snin minnufih qabel l-irtir, li fil-fehma tiegħu ma jkunux bona fide.

Revizjoni ta' pensjoni.

96. (1) Il-pensjoni ta' kull persuna li tkun laħqet l-età ta' 63 sena għandha tiġi riveduta kull sena kif provdut fid-disposizzjonijiet li ġejjin ta' dan l-artikolu.

(2) L-ewwel revizjoni għandha ssir b'seħħ mill-ewwel Sibt ta' Jannar 1981 u għandha tapplika għall-persuni kollha li jkunu qed jirċievu jew, li kieku ma kienx għad-disposizzjonijiet ta' l-artikolu 90 ta' dan l-Att, kienu jkunu qed jirċievu, pensjoni f'xi żmien qabel dik id-data:

Iżda fil-każ ta' persuna li tilhaq l-età ta' 63 sena matul l-1981, il-pensjoni tagħha għandha tiġi riveduta b'seħħ mill-ewwel Sibt wara d-data ta' għeluq sninha.

(3) Revizjonijiet sussegwenti jsiru kull sena —

(a) b'seħħ mill-ewwel Sibt ta' Jannar tas-sena tar-revizjoni dwar persuni li l-pensjoni tagħhom tkun diġà riveduta;

(b) b'seħħ mill-ewwel Sibt wara li l-pensjonant jilhaq l-età ta' 63 sena dwar persuni li jilhqqu dik l-età matul xi sena li fiha ssir ir-revizjoni.

(4) Kull revizjoni għandha ssir billi minflok id-dhul pensjonabbli jiġi sostitwit it-total ta' l-imsemmi dhul pensjonabbli u —

(a) fil-każ ta' persuna li għandha titqies bħala persuna mpjegata, l-ammont li bih il-paga jew is-salarju attwali ta' l-oghla post li kienet tokkupa matul l-aħjar perijodu konsekuttiv li fuqu d-dhul pensjonabbli tagħha ikun inħadem ikun jeċċedi, fl-ewwel Sibt ta' Jannar tas-sena tar-revizjoni, il-paga jew is-salarju ta' l-imsemmi post fid-data ta' l-irtir; u meta dik il-paga jew dak is-salarju jirrappreżenta punt fi skala, iż-żieda li għandha tiġi applikata għandha tkun skond is-sistema tal-punt korrispondenti kif applikata mill-Gvern;

(b) fil-każ ta' persuna li għandha titqies bħala persuna li timpjega lilha nnifisha, iż-żidiet totali fil-paga li skond il-liġi għandhom jingħataw b'mod generali dwar il-perijodu li jiġi bejn id-data ta' l-irtir u l-ewwel Sibt ta' Jannar tas-sena tar-revizjoni:

Iżda meta l-post imsemmi fil-paragrafu (a) ta' dan is-subartikolu ma jkunx għadu jeżisti dan għandu jiġi sostitwit b'dak il-post analogu fis-servizz tal-Gvern li kellu paga jew salarju li l-iktar kien jikkorrispondi qrib ma' dak tal-post l-ewwel imsemmi fiż-żmien meta kien l-aħħar okkupat mill-pensjonant.

Flas ta' pensjoni meta ma jkunx hemm obbligu għal kontribuzzjoni matul l-aħħar għaxar snin qabel l-irtir.

97. Persuna li matul l-aħħar għaxar snin kalendarji min-nufih qabel l-irtir tagħha ma kellhiex obbligu li tħallas kontribuzzjoni taħt dan l-Att ma tkunx skwalifikata milli tirċievi pensjoni jekk, għal kull ġimgħa ta' kontribuzzjoni matul l-imsemmija għaxar snin, din kellha dritt għal kontribuzzjoni akkreditata skond l-artikolu 9 ta' dan l-Att; u d-dhul pensjonabbli tagħha għandu jkun —

(a) fil-każ ta' persuna li għandha tiġi meqjusa bħala persuna mpjegata, il-paga jew is-salarju tal-post li kienet tokkupa fl-aħħar ġurnata ta' l-impieg tagħha mizjuda biż-żidiet fil-paga applikabbli li bil-liġi għandhom jingħataw b'mod generali dwar kull sena sussegwenti sad-data meta tilhaq l-età ta' pensjoni;

(b) fil-każ ta' persuna li għandha titqies bħala persuna li timpjega lilha nnifisha, id-dhul nett tagħha li fuqu tħallset l-aħħar kontribuzzjoni tat-tieni klassi, miżjud kif intqal qabel:

Iżda jekk, skond id-disposizzjonijiet ta' dan l-Att, l-aħħar rata tagħha ta' kontribuzzjoni mħallsa kienet kontribuzzjoni tat-tieni klassi bir-rata aktar baxxa, id-dhul pensjonabbli tagħha għandu jkun id-dhul nett li fuqu kienet tħallset l-aħħar kontribuzzjoni tat-tieni klassi, miżjuda kif intqal qabel, jew l-ammont imsemmi fl-ewwel proviso għas-subartikolu (3) ta' l-artikolu 5A ta' dan l-Att, skond liema jkun l-ammont l-aktar baxx.

Persuni li jkunu qed jirċievu Pensjoni għal Invalidità.

98. (1) Fil-każ ta' persuna li jkollha dritt għal pensjoni taħt din il-Parti u li, minnufih qabel ma hekk kellha dritt kienet qed tirċievi pensjoni taħt l-artikolu 16A ta' dan l-Att, id-dhul pensjonabbli tagħha għandu jkun —

(a) fil-każ ta' persuna li, fiż-żmien minnufih qabel ma saret invalida, kienet persuna mpjegata, il-paga jew is-salarju tal-post li kienet tokkupa f'dak iż-żmien miżjud biż-żidiet applikabbli fil-paga li skond il-liġi għandhom jinghataw b'mod ġenerali dwar kull sena sussegwenti sad-data li fiha tilhaq l-età ta' pensjoni;

(b) fil-każ ta' persuna li, fiż-żmien minnufih qabel ma tkun saret invalida, kienet persuna li timpjega lilha nnifisha, id-dhul nett tagħha bħala persuna li timpjega lilha nnifisha f'dak iż-żmien miżjud kif intqal qabel:

Iżda jekk, skond id-disposizzjonijiet ta' dan l-Att, ir-rata ta' kontribuzzjoni tagħha minnufih qabel ma tkun saret invalida kienet ta' kontribuzzjoni tat-tieni klassi bir-rata iktar baxxa, id-dhul pensjonabbli tagħha jkun id-dhul nett tagħha bħala persuna li timpjega lilha nnifisha f'dak iż-żmien miżjud kif intqal qabel, jew l-ammont imsemmi fl-ewwel proviso għas-subartikolu (3) ta' l-artikolu 5A ta' dan l-Att, skond liema jkun l-ammont l-aktar baxx.

(2) Jekk ir-rata ta' pensjoni skond is-subartikolu (1) ta' dan l-artikolu tkun iktar baxxa mir-rata ta' pensjoni mħallsa taħt l-artikolu 16A ta' dan l-Att, il-pensjonant għandu jibqa' jirċievi l-pensjoni l-aħħar imsemmija.

Inmates fi djar għax-xjuħ u f'istitutuzzjonijiet oħra.

99. (1) Meta, matul xi perijodu wara l-21 ta' Lulju, 1979, persuna tkun qed tirċievi pensjoni din għandha —

(a) jekk tkun *inmate* f'dik l-istitutuzzjoni għal kura u harsien soċjali tax-xjuħ, li tkun speċifikata mill-Ministru b'avviż fil-Gazzetta tiegħ mill-istitutuzzjoni għall-perijodu kollu li matulu hekk tibqa' *inmate*;

(b) jekk tkun *inmate* f'xi istituzzjoni oħra li tkun speċifikata mill-Ministru b'avviż fil-Gazzetta, u tkun ilha hekk *inmate* għal perijodu ta' iżjed minn sitt xhur konsekuttivi, tiegħ mill-istitutuzzjoni għal dak il-perijodu wara l-imsemmija sitt xhur, li matulu hekk tibqa' *inmate*;

u minflok għandha tirċievi erbghin fil-mija tar-rata applikabbli fil-każ tagħha, hekk iżda li jekk tkun persuna minn koppja miżżewġa li t-tnejn li huma jkunu *inmates* kif intqal qabel u li minnhom persuna waħda biss mill-miżżewġin tkun qed tirċievi pensjoni, benefiċċju jew *allowance* li jithallas taħt l-artikolu 16, 16A, 17, 17A, 24 jew 25 ta' dan l-Att jew pensjoni taħt din il-Parti, imnaqqsa kif intqal qabel jew skond l-artikolu 33A ta' dan l-Att, l-imsemmija erbghin fil-mija għandhom jithallsu f'zewġ porzjonijiet indaqs lir-raġel u lil martu; u l-bilanċ ta' sittin fil-mija għandu jithallas lill-Kumitat dwar Għajnuna Soċjali mwaqqaf taħt l-Att ta' l-1956 dwar l-Għajnuna Nazzjonali:

Iżda meta persuna li għaliha japplika dan is-subartikolu tkun raġel miżżewġ li martu —

(i) ma tkunx hi nnifisha hekk *inmate*, u

(ii) ma tkunx hi nnifisha qed tirċievi pensjoni, benefiċċju jew *allowance* fil-gimgha mħallsa taħt l-artikoli 16A, 17 jew 24 ta' dan l-Att jew pensjoni taħt din il-Parti,

dak ir-raġel miżżewġ ma jkollux jedd għall-imsemmija erbghin fil-mija, iżda martu jkollha jedd li tirċievi hlas fil-gimgha li jkun daqs sittin fil-mija tar-rata applikabbli fil-każ tiegħu, u l-bilanċ ta' erbghin fil-mija għandu jithallas erbghin fil-mija lir-raġel, u s-sittin fil-mija lill-imsemmi Kumitat.

(2) Meta, matul xi perijodu wara l-21 ta' Lulju, 1979, mart persuna li tkun qed tirċievi pensjoni taħt din il-Parti tkun *inmate* f'istituzzjoni speċifika kif provdut fil-paragrafi (a) u (b) tas-subartikolu (1) ta' dan l-artikolu, żewġ dik il-mara ma jibqax ikompli jirċievi dik il-pensjoni kemm-il darba hi nnifisha ma tkunx qed tirċievi pensjoni, benefiċċju jew *allowance* li tithallas taħt l-artikoli 16A, 17 jew 24 ta' dan l-Att jew pensjoni taħt din il-Parti, u għandu jirċievi minflok hlas fil-gimgha li jkun daqs sittin fil-mija tar-rata applikabbli fil-każ tiegħu, u l-bilanċ ta' erbghin fil-mija għandu jithallas erbghin fil-mija lill-mara u s-sittin fil-mija lill-imsemmi Kumitat.

Pensjoni ta' 100. (1) Bla hsara għad-disposizzjonijiet ta' dan superstiti. l-artikolu, armla li żewġha (hawnhekk iżjed "il quddiem imsejjaħ "il-pensjonant mejjet") fil-hin tal-mewt tiegħu kellu, jew kieku mhux għad-disposizzjonijiet ta' l-artikolu 90 ta' dan l-Att, kien ikollu dritt għal pensjoni taħt din il-Parti, ikollha dritt għal pensjoni ta' superstiti.

(2) Ir-rata sħiħa ta' pensjoni ta' superstiti tkun ta' żewġ terzi tal-pensjoni li kienet tithallas jew li setgħet tkun tithallas lil pensjonant mejjet skond l-artikoli 91 u 96 ta' dan l-Att.

(3) Meta l-pensjonant mejjet kellu dritt għal pensjoni tas-servizz li kienet giet kommutata għal kollox jew f'parti, kull pensjoni li tirriżulta skond id-disposizzjonijiet tas-subartikolu (2) ta' dan l-artikolu għandha titnaqqas b'terz tad-differenza, jekk ikun hemm, li tirriżulta meta jitnaqqas —

(a) l-ammont tal-parti kommutata tal-pensjoni tas-servizz, minn

(b) l-ammont li jkollu l-istess proporzjon għad-dhul pensjonabbli tal-pensjonant mejjet, jew jekk il-pensjoni tiegħu kienet għet riveduta skond is-subartikolu (4) ta' l-artikolu 96 ta' dan l-Att, għall-ammont li jissostitwixxi dak id-dhul pensjonabbli fiż-żmien ta' l-aħħar reviżjoni bħal dik, kif dik il-parti kommutata tal-pensjoni tas-servizz ikollha ma' l-emolumenti li fuqhom tkun ingħatat dik il-pensjoni tas-servizz.

(4) Meta l-pensjonant mejjet ikun ingħata gratifikazzjoni, dik il-gratifikazzjoni għandha tingaleb f'pensjoni ipotetika annwali li tkun daqs hamsa fil-mija ta' l-imsemmija gratifikazzjoni u s-subartikolu (3) ta' dan l-artikolu għandu japplika kif ġej:

(a) meta l-pensjonant mejjet ma kellux dritt għal pensjoni tas-servizz, l-imsemmija pensjoni ipotetika għandha titqies bħala pensjoni tas-servizz li kienet għet kommutata għal kollox;

(b) meta l-pensjonant mejjet kellu dritt għal pensjoni tas-servizz li ebda parti minnha ma tkun għet kommutata, l-imsemmija pensjoni ipotetika għandha tiġi sostitwita minflok il-parti kommutata tal-pensjoni tas-servizz;

(c) meta l-pensjonant mejjet kellu dritt għal pensjoni tas-servizz li tkun għet kommutata għal kollox jew f'parti, il-parti kommutata ta' dik il-pensjoni tas-servizz għandha tiżdied bil-pensjoni ipotetika;

(d) meta l-pensjonant mejjet kellu dritt għal pensjoni tas-servizz mingħand prinċipal wiehed u għal gratifikazzjoni li tithallas minn prinċipal ieħor, il-gratifikazzjoni għandha titqies għal rasha u tkun relatata għall-emolumenti, fiż-żmien li tkun ingħatat, tal-post okkupat f'dak iż-żmien.

(5) Meta l-armla tkun qed tirċievi pensjoni mingħand il-prinċipal ta' qabel tal-pensjonant mejjet li tkun b'xi mod relatata għall-impieg tal-pensjonant mejjet qabel ma miet, jekk dik il-pensjoni u r-rata tal-pensjoni tas-superstiti applikabbli fil-każ tagħha, flimkien jaqbużu żewġ terzi tad-dhul pensjonabbli tal-pensjonant mejjet jew, meta l-pensjoni ta' dan ta' l-aħħar tkun għet riveduta skond id-disposizzjonijiet tas-subartikolu (4) ta' l-artikolu 96 ta' dan l-Att, ta' l-ammont sostitwit minflok dak id-dhul pensjonabbli fiż-żmien ta' dik l-aħħar reviżjoni, ir-rata tal-pensjoni tas-superstiti għandha titnaqqas b'dak l-ammont hekk li jiġi żgurat li l-imsemmija żewġ terzi ma jinqabzux.

(6) Meta l-armla tirċievi gratifikazzjoni mingħand il-prinċipal ta' qabel tal-pensjonant mejjet li tkun relatata għall-impieg tal-pensjonant mejjet qabel ma miet, dik il-gratifikazzjoni għandha tiġi kapitalizzata b'hamsa fil-mija u l-figura li

tirrizulta għandha tiġi kalkolata bħala pensjoni fis-sena rċevuta mill-armla mingħand il-prinċipal ta' qabel tal-pensjonant mejjet għall-finijiet tas-subartikolu (5) ta' dan l-artikolu.

(7) Pensjoni ta' superstiti li tithallas taħt id-disposizzjonijiet ta' qabel ta' dan l-artikolu tiġi riveduta kull sena skond id-disposizzjonijiet tas-subartikoli (1), (2) u (3) ta' l-artikolu 96 ta' dan l-Att; u għall-fini ta' dawk ir-reviżjonijiet il-pensjoni li kien ikollha tithallas lill-pensjonant mejjet skond l-artikolu 91 ta' dan l-Att għandha tiġi stabbilita kif provdut fis-subartikolu (4) ta' l-artikolu 96 ta' dan l-Att.

(8) Ebda pensjoni taħt dan l-artikolu ma għandha tkun inqas mill-pensjoni minima nazzjonali applikabbli għal persuna waħedha kalkolata fuq il-bażi tal-kontribuzzjonijiet imħallsa minn jew akkreditati lill-pensjonant mejjet.

(9) Armla taħt l-età ta' 65 sena tkun skwalifikata milli tirċievi pensjoni ta' superstiti —

(a) matul kull perijodu li fih, li kieku kellha dritt għal pensjoni taħt din il-Parti barra dan l-artikolu, kienet tkun skwalifikata milli tirċievi pensjoni bis-saħħa tas-subartikoli (1), (3) u (4) ta' l-artikolu 90 ta' dan l-Att, u

(b) meta l-pensjonant mejjet kien skwalifikat milli jirċievi pensjoni skond is-subartikolu (2) ta' l-artikolu 90 ta' dan l-Att, għal kull perijodu sa l-età ta' ħamsa u sittin sena li matulu tkun qed tirċievi dħul nett (barra minn dħul minn impieg bi qliegħ u kull pensjoni tas-servizz) bir-rata ta' iktar minn £490 fis-sena.

(10) Pensjoni ta' superstiti tithallas b'effett mid-data tal-mewt tal-pensjonant mejjet kemm-il darba ssir talba għaliha lid-Direttur fi żmien sitt xhur minn dik id-data; u jekk it-talba ma ssirx f'dak iż-żmien, il-pensjoni għandha tithallas b'effett mill-gurnata li fiha ssir it-talba.

(11) Persuna li tkun qed tirċievi pensjoni ta' superstiti ma tista' tirċievi ebda benefiċċju għal mard, disimpieg, speċjali għal disimpieg, korriment jew inkapaċità taħt dan l-Att.

(12) Pensjoni ta' superstiti tiegħ fil-każ li l-armla terġa' tiżzewweġ u b'effett bid-data ta' dak iż-żwieġ mill-ġdid.

(13) Armla li jkollha dritt għal pensjoni ta' superstiti u wkoll għal pensjoni oħra taħt dan l-Att, ikollha dritt biss għall-ogħla waħda min dawk il-pensjonijiet.

Applika-  
bilità ta'  
artikoli  
oħra.

101. Id-disposizzjonijiet tal-paragrafu (ċ) ta' l-artikolu 33, u tal-paragrafi (a) u (b) tas-subartikolu (1) ta' l-artikolu 34, u ta' l-artikolu 35 (ħlief is-sub-paragrafi (i) u (ii) tal-paragrafu (b) tas-subartikolu (1)), u ta' l-artikoli 36, 37, 38, 41 (barra mill-paragrafi (a) u (aa) tal-proviso li hemm għalih), 62 u 66 ta' dan l-Att għandhom japplikaw dwar pensjonijiet imħallsa

taħt din il-Parti kif japplikaw dwar benefiċċji taħt Partijiet oħra ta' dan l-Att.”.

40. Minflok il-proviso għall-paragrafu 1 tal-Parti I ta' l-Ewwel Skeda li tinsab ma' l-Att prinċipali għandu jidhol dan li ġej:

Emenda ta' l-Ewwel Skeda li tinsab ma' l-Att prinċipali.

“Izda, bla ħsara għad-disposizzjonijiet ta' xi ftehim ma' xi pajjiż ieħor, impieg kif intqal qabel barra minn Malta għandu jitqies bħala mpieg f'Malta jekk il-prinċipal ikun il-Gvern ta' Malta jew jekk ikollu post ta' negozju f'Malta, u dak l-impjegat ikun residenti hemmhekk.”.

41. Minflok it-Tieni Skeda li tinsab ma' l-Att prinċipali għandu jidhol dan li ġej:

Emenda tat-Tieni Skeda li tinsab ma' l-Att prinċipali.

#### “IT-TIENI SKEDA

Artikolu 5, 5A

#### Rati fil-Ġimgha ta' Kontribuzzjonijiet

#### PARTI I

#### Kontribuzzjonijiet ta' l-Ewwel Klassi

Klassi ta' Persuni Mpiegati	Rata fil-ġimgha ta' kontribuzzjoni li għandha tiġi mill-persuna mpjegata, mill-prinċipal tagħha, u mill-Fond Konsolidat
1. Subien u bniet fuq l-età ta' 14-il sena iżda taħt l-età assigurabbli ... ..	£0.65,0
2. Persuni ta' età assigurabbli jew fuqha li l-paga jew is-salarju basiku tagħhom (barra minn saħra, kummissjonijiet, rimunerazzjoni fi speċi jew xi xorta ta' <i>bonus</i> ) —	
(a) ma jkunx iżjed minn £22.65 fil-ġimgha jew £1,181 fis-sena ... ..	£1.64,0
(b) ikun iżjed minn £22.65 fil-ġimgha jew £1,181 fis-sena iżda mhux iżjed minn £24.93 fil-ġimgha jew £1,300 fis-sena ...	£1.74,0
(c) ikun iżjed minn £24.93 fil-ġimgha jew £1,300 fis-sena iżda mhux iżjed minn £27.80 fil-ġimgha jew £1,450 fis-sena ...	£1.84,0
(d) ikun iżjed minn £27.80 fil-ġimgha jew £1,450 fis-sena iżda mhux iżjed minn £30.68 fil-ġimgha jew £1,600 fis-sena ...	£1.94,0
(e) ikun iżjed minn £30.68 fil-ġimgha jew £1,600 fis-sena ... ..	£2.04,0

## PARTI II

## Kontribuzzjonijiet tat-Tieni Klassi

Klassi ta' Persuni Assigurati	Rata fil-gimgha ta' Kontribuzzjoni tat-Tieni Klassi
Persuni li d-dhul nett totali tagħhom ikun iżjed minn £1,181 fis-sena ... ..	£3.85,0
Persuni li d-dhul nett totali tagħhom ma jkunx iżjed minn £1,181 fis-sena ... ..	£1.74,0"

Emenda tat-Tielet Skeda li tinsab ma' l-Att prinċipali.

42. Minflok it-Tielet Skeda li tinsab ma' l-Att prinċipali għandu jidhrol dan li ġej:

## "IT-TIELET SKEDA

Artikolu 10, 24, 30

## PARTI I

*Rata ta' Benefiċċju barra minn Benefiċċju għal Mard, Benefiċċju għal Disimpieg, Benefiċċju Speċjali għal Disimpieg, Benefiċċju għal Korriment, Pensjoni għal Inkapaċità, 'Allowance' ta' tutur u 'Allowance' għal Iltiema*

Xorta ta' Benefiċċju	Rata fil-Gimgha	
	Persuna waħedha jew Mara Miżzewġa	Raġel Miżzewġ
	£ c m	£ c m
(a) Pensjoni Minima Nazzjonali ...	9.60,0	15.10,0
(b) Pensjoni Miżjuda għal min Jirtira ... ..	8.80,0	14.38,0
(c) Pensjoni għal min Jirtira ...	7.40,0	12.10,0
(d) Pensjoni Miżjuda għal Invalidità	8.80,0	14.38,0
(e) Pensjoni għal Invalidità ...	7.40,0	12.10,0
(f) Pensjoni ta' Armla ... ..	8.80,0	—
(g) Allowance Speċjali ta' Armla ...	3.26,0	—
(h) Benefiċċju għal Mewt:		
(i) benefiċċju għal armla ...	10.16,0	—
(ii) benefiċċju għal armel ...	10.16,0	—
(iii) allowance għal armla ...	3.87,0	—
(iv) allowance tal-ġenituri ...	8.80,0	14.38,0

## PART I A

*Rata ta' Benefiċċju għal Mard, Benefiċċju għal Disimpieg,  
Benefiċċju Speċjali għal Disimpieg u Benefiċċju għal Korriment*

Xorta ta' Benefiċċju	Rata ta' Kuljum	
	Persuna Waħedha jew Mara Miżżewġa	Raġel Miżżewġ
	£ c m	£ c m
(a) Benefiċċju għal Mard ... ..	1.47,0	2.39,0
(b) Benefiċċju għal Disimpieg ... ..	1.24,0	2.02,0
(ċ) Benefiċċju Speċjali għal Disim- pieg ... ..	1.58,0	2.50,0
(d) Benefiċċju għal Korriment —		
Persuni ta' età assigurabbli ... ..	2.74,0	3.69,0
Persuni taħt l-età assigurabbli ... ..	1.25,0	2.20,0

## PART II

*Ammont ta' Bonus għal Żwieġ*

£ c m

66.56,0

## PARTI III

*Ammonti ta' Gratifikazzjoni għal Inkapacità*

Grad ta' Inkapacità	Ammont ta' Gratifikazzjoni
%	£ c m
1	31.73,0
2	63.46,0
3	95.19,0
4	126.92,0
5	158.65,0
6	190.38,0
7	222.11,0
8	253.84,0
9	285.57,0
10	317.30,0
11	349.03,0
12	380.76,0
13	412.49,0
14	444.22,0
15	475.95,0
16	507.68,0
17	539.41,0
18	571.14,0
19	602.87,0

## PARTI IV

*Rati ta' Pensjoni għal Inkapacità*

Grad ta' Inkapacità	RATA FIL-GIMGHA	
	Persuni ta' l-Età Assigurabbli	Persuni taht l-Età Assigurabbli
%	£ c m	£ c m
100	8.80,0	4.40,0
90	7.74,0	3.87,0
80	6.88,0	3.44,0
70	6.12,0	3.06,0
60	5.24,0	2.62,0
50	4.70,0	2.35,0
40	3.76,0	1.88,0
30	2.96,0	1.48,0
20	2.08,0	1.04,0

## PARTI V

*Zieda ta' Benefiċċju għal Inkapacità għal mara miżżewġa meta minhabba t-telf tal-fakultà żewġha ma jkunx kapaċi għax-xogħol u x'aktarx hekk jibqa' inkapaċi permanentement*

## RATA FIL-GIMGHA

£ c m

5.58,0

## PARTI VI

*Zieda ta' Pensjoni ta' Armla, Benefiċċju ta' Armla u Benefiċċju ta' Armel għal iben*

Xorta ta' Benefiċċju	Rata fil-Gimgha għal kull tifel jew tiffa li dwarhom tkun qed tithallas allowance tat-tfal taht il-Parti VIII ta' dan l-Att	Rata fil-Gimgha għal kull tifel ieħor jew tiffa oħra
	£ c m	£ c m
(a) Pensjoni ta' Armla	0.85,0	1.01,0
(b) Benefiċċju għal Armla	0.85,0	1.01,0
(c) Benefiċċju għal Armel	0.85,0	1.01,0

## PARTI VII

*Rata ta' 'Allowance' ta' Tutur u 'Allowance' għal Iltiema*

Xorta ta' Benefiċċju	Rata fil-Gimgha meta <i>Allowance</i> ta' tfal tkun qed tiġhallas taht il-Partj VIII ta' dan l-Att	Rata fil-Gimgha meta ebda <i>Allowance</i> ta' tfal ma tkun qed tiġhallas taht il-Partj VIII ta' dan l-Att
	£ c m	£ c m
<i>Allowance</i> ta' Tutur	1.89,0	2.05,0
<i>Allowance</i> għal Iltiema	2.97,0	3.23,0"

Emenda tar-Raba' Skeda li tinsab ma' l-Att prinċipali.

43. Il-paragrafu 4 tar-Raba' Skeda li tinsab ma' l-Att prinċipali għandu jiġhassar.

Emenda tal-Fhames Skeda li tinsab ma' l-Att prinċipali.

44. Minflok il-Fhames Skeda li tinsab ma' l-Att prinċipali għandu jidhol dan li ġej:

## "IL-HAMES SKEDA

## Artikolu 10

## PARTI I

*Ammonti Mnaqqsa tal-"Bonus" għal Żwieġ*

Numru ta' kontribuzzjonijiet imħallsa minn mara assigurata	Ammont ta' <i>Bonus</i> għal Żwieġ
	£ c m
250 jew iżjed (Ammont Shiħ)	66.56,0
225 — 249	63.10,0
200 — 224	56.44,0
175 — 199	49.78,0
150 — 174	43.14,0
125 — 149	36.48,0
100 — 124	29.82,0
75 — 99	23.16,0

## PARTI II

*Rati Mnaqqsa ta' Benefiċċji*

## A. Pensjoni Minima Nazzjonali

Medja fis-sena ta' kontribuzzjonijiet imhallsa jew akkreditati	Rata fil-Gimgha tal-Pensjoni Minima Nazzjonali	
	Persuna Waħedha jew Mara Miżżewġa	Raġel Miżżewġ
	£ c m	£ c m
50 jew iżjed (rata sħiħa)	9.60,0	15.10,0
40 — 49	8.54,0	13.44,0
30 — 39	6.62,0	10.42,0
20 — 29	4.70,0	7.40,0

## B. Pensjoni Miżjuda għal min Jirtira u Pensjoni Miżjuda għal Invalidità

Medja fis-sena ta' kontribuzzjonijiet imhallsa jew akkreditati	Rata fil-Gimgha ta' Pensjoni Miżjuda għal min Jirtira u Pensjoni Miżjuda għal Invalidità	
	Persuna Waħedha jew Mara Miżżewġa	Raġel Miżżewġ
	£ c m	£ c m
50 jew iżjed (rata sħiħa)	8.80,0	14.38,0
40 — 49	7.83,0	12.80,0
30 — 39	6.07,0	9.92,0
20 — 29	4.31,0	7.05,0

## C. Pensjoni għal min Jirtira u Pensjoni għal Invalidità

Medja fis-sena ta' kontribuzzjonijiet imhallsa jew akkreditati	Rata fil-Gimgha ta' Pensjoni għal min Jirtira u Pensjoni għal Invalidità	
	Persuna Waħedha jew Mara Miżżewġa	Raġel Miżżewġ
	£ c m	£ c m
50 jew iżjed (rata sħiħa)	7.40,0	12.10,0
40 — 49	6.66,0	10.98,0
30 — 39	5.10,0	8.34,0
20 — 29	3.72,0	6.12,0

## D. Pensjonj ta' Armla

Medja fis-sena ta' kontribuzzjonijiet imhallsa jew akkreditati	Rata fil-Gimgha ta' Pensjoni ta' Armla
	£ c m
50 jew iżjed (rata sħiħa)	8.80,0
40 — 49	7.83,0
30 — 39	6.07,0
20 — 29	4.31,0

## E. Benefiċċju għal Mard

Numru ta' kontribuzzjonijiet imhallsa jew akkreditati fis-sena ta' kontribuzzjoni relattiva	Rata ta' Kuljum tal-Benefiċċju għal Mard	
	Persuna Waħedha jew Mara Miżżewġa	Raġel Miżżewweġ
	£ c m	£ c m
50 jew iżjed (rata sħiħa)	1.47,0	2.39,0
40 — 49	1.31,0	2.13,0
30 — 39	1.01,0	1.65,0
20 — 29	0.72,0	1.17,0

## F. Benefiċċju għal Disimpieg

Numru ta' kontribuzzjonijiet imhallsa jew akkreditati fis-sena ta' kontribuzzjoni relattiva	Rata ta' Kuljum tal-Benefiċċju għal Disimpieg	
	Persuna Waħedha jew Mara Miżżewġa	Raġel Miżżewweġ
	£ c m	£ c m
50 jew iżjed (rata sħiħa)	1.24,0	2.02,0
40 — 49	1.11,0	1.83,0
30 — 39	0.85,0	1.39,0
20 — 29	0.62,0	1.02,0

## G. Benefiċċju Speċjali għal Disimpieg

Numru ta' kontribuzzjonijiet imħallsa jew akkreditati fis-sena ta' kontribuzzjoni relattiva	Rata ta' Kuljum tal-Benefiċċju Speċjali għal Disimpieg	
	Persuna Wahedha jew Mara Miżżewġa	Raġel Miżżewġ
	£ c m	£ c m
50 jew iżjed (rata sfiha)	1.58,0	2.50,0
40 — 49	1.41,0	2.23,0
30 — 39	1.09,0	1.73,0
20 — 29	0.77,0	1.23,0"

45. It-Tmien Skeda li tinsab ma' l-Att prinċipali għandha tiġi emendata kif ġej:

Emenda tat-Tmien Skeda li tinsab ma' l-Att prinċipali.

(i) fis-sub-paragrafu (iii) tal-proviso għas-sub-paragrafu (a) tal-paragrafu (1) tagħha minflok il-kliem "sitta u nofs fil-mija tal-valur kapitali" għandhom jidhlu l-kliem "ħamsa fil-mija tal-valur kapitali";

(ii) minflok is-sub-paragrafu (iv) tal-proviso għas-sub-paragrafu (a) tal-paragrafu (1) tagħha għandu jidhol dan li ġej:

"ma għandha titqies ebda approprjazzjoni ta' dik il-proprjetà għall-finijiet ta' spejjeż kurrenti taht xi disposizzjonijiet ta' din l-Iskeda";

(iii) minnufih wara s-sub-paragrafu (iv) tal-proviso għas-sub-paragrafu (a) tal-paragrafu (i) tagħha għandu jidher is-sub-paragrafu ġdid li ġej:

"(v) meta d-dhul attwali miksub minn dik il-proprjetà jeċċedi l-ammont li jirriżulta skond is-sub-paragrafi (i), (ii) u (iii) ta' dan il-proviso, dak id-dhul attwali għandu jiġi meqjus bħala l-valur fis-sena";

(iv) fis-sub-paragrafu (ċ) tal-paragrafu (1) tagħha, minflok il-kliem "(barra minn għamara u oġġetti personali) liema dhul" għandhom jidhlu l-kliem "(barra minn għamara u oġġetti personali) liema dhul, fin-nuqqas ta' mezzi oħra sabiex jiġi aċċertat il-mizura tiegħu";

(v) minnufih wara l-paragrafu (4) tagħha, għandu jidhol il-paragrafu ġdid li ġej:

"(5) Għall-finijiet ta' din l-Iskeda, meta xi proprjetà tkun tikkonsisti f'attiv likwidu, depożiti għal żmien, *bonds*, *stocks*, azzjonijiet jew sikurtajiet oħra —

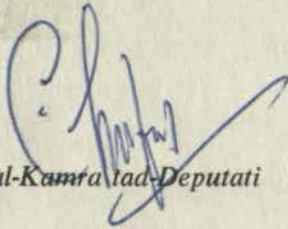
(i) tkun iżjed minn £3,400 fil-każ ta' persuna waħedha jew persuna armla, jew

(ii) tkun iżjed minn £6,500 fil-każ ta' raġel mizzew-  
weġ li jkun imantni għal kollox lil martu,

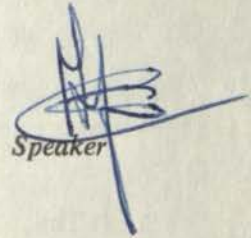
il-valur fis-sena ta' dik il-proprjetà għandu, minkejja kull haġa  
kuntrarja li tinsab f'din l-Iskeda, jittiehed li jkun iżjed minn  
£290 fl-ewwel każ u iżjed minn £490 fil-każ l-ieħor.”.

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Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 295 tat-3 ta' Lulju, 1979.



*Skrivan tal-Kamra tad-Deputati*



*Speaker*



I assent.

*Anton Galtsoy*  
President

6 July, 1979

## ACT No. XXI of 1979

*AN ACT further to amend the National Insurance Act, 1956.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title and commencement.

1. (1) This Act may be cited as the National Insurance (Amendment) Act, 1979, and shall be read and construed as one with the National Insurance Act, 1956, hereinafter referred to as "the principal Act".

(2) The following provisions of this Act shall come into force as follows:

(a) paragraph (c) of section 11 shall have effect from the 3rd day of June, 1978;

(b) section 2, sub-paragraph (i) of paragraph (b) and paragraph (c) of section 8, section 10, paragraph (b) of section 11, sections 14, 19, 20, 22, 24, 34, 36, 38, 42 and 44 shall have effect from the 20th day of January, 1979;

(c) sections 3, 4, 5 (with the exception of paragraphs (b) and (c) thereof), 7, 11 (with the exception of paragraphs (a), (b) and (c) thereof), 12, 16, 39, 40, 41 and 45 shall have effect from the 22nd day of January, 1979;

(d) section 23 shall have effect from the 1st day of April, 1979; and

(e) section 8 (with the exception of sub-paragraph (i) of paragraph (b) and paragraph (c)) sections 9, 13 and 15 and paragraph (a) of section 18, sections 30 and 43 shall have effect from the 2nd day of June, 1979.

Amendment of section 2 of the principal Act.

2. Section 2 of the principal Act shall be amended as follows:

(a) in subsection (1) thereof —

(i) immediately after the definition of "pension age" there shall be inserted the following new definition:

“pensionable income” means —

(a) in the case of a person who is to be treated as an employed person, the yearly average of his wage or salary on which a class one contribution was payable during the best consecutive period of three calendar years within the last ten years preceding his retirement or, where he was not in insurable employment for a consecutive period of three years during the said ten years, during the longest consecutive period in which, within those ten years, he was in such employment; such wage or salary in respect of each of such consecutive years being increased by the applicable wage increases required by law to be awarded generally in respect of each subsequent year up to the date of retirement;

(b) in the case of a person who is to be treated as a self-employed person, the yearly average of his net income during the last ten calendar years preceding his retirement; such net income being taken as the wage or salary on which a class one contribution was payable in respect of any period during which he was liable to pay such a contribution, and as the net income on which a class two or class three contribution was payable in respect of any period during which he was liable to pay such a contribution; and for every completed year, within the said ten years, during which such person was gainfully occupied after attaining the age of 51 years and in which his net income as aforesaid exceeded that of the preceding year by an amount not less than the wage increase required by law to be awarded generally, such net income shall be increased by the applicable wage increase as aforesaid in respect of each subsequent year:

Provided that the pensionable income shall in no case exceed such amount as the Minister may, with the concurrence of the Minister responsible for finance, by order in the Gazette from time to time determine:

Provided further that in respect of a person who is to be treated as a self-employed person the amount to be taken for the purposes of this definition as the net income of each of the last ten years aforesaid shall not exceed the amount accepted by the Commissioner of Inland Revenue for the purposes of the Income Tax Act, 1948, as the net income for the corresponding year or, until the assessment for that year is made, the amount resulting as the net income for that year from the return submitted under the said Act, and —

(i) if, in accordance with the provisions of this Act, the rate of contribution last payable by him as a self-employed person is a class two contribution at the lower rate, his pensionable income shall be his pensionable income calculated as aforesaid or the amount mentioned in the first proviso to subsection (3) of section 5A of this Act, whichever is the lower amount;

(ii) if, in accordance with the provisions of this Act, the rate of contribution last payable by him as a self-employed person is a class two contribution at the higher rate, his pensionable income shall be the pensionable income calculated as aforesaid or the amount mentioned in the said proviso to subsection (3) increased by one cent, whichever is the higher amount;

and for the purposes of establishing the net income of a person the Director may require him to produce his income tax returns and assessments;”;

(ii) immediately after the definition of “relevant contribution conditions” there shall be inserted the following new definition :

“ “retirement” means attainment of pension age:

Provided that in respect of a person over pension age who is deemed to be gainfully occupied for the purposes of subsection (1A) of section 17 or is disqualified from receiving a pension under subsection (1) of section 90 of this Act, retirement means the date on which he ceases to be so deemed or disqualified or on reaching the age of 65 years, whichever is the earlier :

Provided further that in respect of a person who at any time is or was in receipt of a pension under this Act payable on or after pension age, retirement means the date taken as his date of retirement for the purposes of awarding that pension;”, and

(iii) for the definition of “umpire” there shall be substituted the following :

“ “umpire” means the umpire appointed under section 42 of this Act and includes the deputy umpire appointed under that section.”, and

(b) immediately after subsection (3) thereof, there shall be inserted the following new subsection :

“(4) For the purpose of awarding any pension under this Act, a person who, during the last ten years ending on the last day of the contribution year immediately preceding his retirement, was liable to pay or was credited with class one and class two or class three contributions, shall be treated as an employed person if the said contributions were, in their majority, class one contributions and he shall be treated as a self-employed person if the said contributions were, in their majority, class two or class three contributions :

Provided that a person who immediately before attaining the age of 51 years was an employed person for not less than twenty years and who has continued to be employed for any period after the age of 51 years, and has not thereafter become gainfully occupied as a self-employed person, shall be treated on retirement as an employed person.”.

Amendment of  
Section 4A  
of the principal  
Act.

3. Section 4A of the principal Act shall be amended as follows :  
(a) immediately after paragraph (b) thereof there shall be inserted the following new paragraph :

“(bb) in receipt of a pension under Part IX of this Act; or”;

(b) for paragraph (cc) thereof there shall be substituted the following new paragraph:

“(cc) over pension age and is not disqualified from receiving a pension under Part IX of this Act in terms of subsection (2) of section 90,” and

(c) in paragraph (g) thereof, for the figures “£20” and “£65” there shall be substituted respectively the figures “£30” and “£97.50”.

4. Subsection (1) of section 5 of the principal Act shall be amended as follows:

Amendment of section 5 of the principal Act.

(a) in proviso (a) thereto, for the words “received no remuneration for that week”, there shall be substituted the words “was not entitled to any remuneration in respect of that week”, and

(b) in proviso (c) thereto, for the figures “£20” and “£65” there shall be substituted respectively the figures “£30” and “£97.50”.

5. Section 5A of the principal Act shall be amended as follows:

Amendment of section 5A of the principal Act.

(a) in the first proviso to subsection (1) thereof, for the figures “£405” and “£205” there shall be substituted respectively the figures “£490” and “£290”;

(b) in the said first proviso to subsection (1), for the words “valid for six months” there shall be substituted the words “valid for twelve months”;

(c) for the second proviso to the said subsection (1), there shall be substituted the following:

“Provided further that, if such a person fails to submit himself to twelve-monthly reviews of his means within one month of a request by the Director to this effect, such a person shall become liable to a penalty not exceeding two pounds for every month thereafter or part thereof, and such penalty shall be payable to the Director within such time as may be fixed by the latter.”;

(d) subsection (3) thereof shall be amended as follows:

(i) for the proviso thereto there shall be substituted the following:

“Provided that payment of the class two contribution at the lower rate shall only be effected by an insured person at his option and if he proves to the satisfaction of the Director that his total net income does not exceed £1,181 per annum; and for the purposes of this proviso —

(a) where a person has exercised the option aforesaid and furnished the required proof to the Director, a class two contribution at the lower rate shall be payable with effect from the date on which the said option has been exercised or from such earlier date, not being earlier than four months, as the Director may determine; and

(b) where an insured person is not gainfully occupied, a service pension shall not be deemed to form part of his total net income.”.

(ii) immediately following the proviso thereto there shall be inserted the following additional proviso:

“Provided further that for the purposes of this Act where a person is allowed to pay a class two contribution at the lower rate under this subsection (except during any period in which he is registered as an unemployed person under Part I of the Register kept under the Employment Service Act, 1955) he may not change the option made under the foregoing proviso —

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(a) after the lapse of one month from such date as may be specified by the Minister, by notice in the Gazette, in the case of a person who was a self-employed person on the 15th day of January, 1979;

(b) after the lapse of two years from the date of his first becoming a self-employed person, in the case of a person who so becomes on or after the 16th day of January, 1979;

and a person who changes his option may not again change that option under this proviso and he shall moreover be liable to pay the higher rate of contribution with effect from the 22nd day of January, 1979 in the case of a person falling under paragraph (a) of this proviso or with effect from the date of his first becoming a self-employed person in the other case.”, and

(e) immediately after subsection (4) thereof, there shall be inserted the following new subsections:

“(5) For the purposes of this section the Director shall not accept as the net income of a person an amount which is lower than that assessed by the Commissioner of Inland Revenue for the purposes of the Income Tax Act, 1948 as the net income for that year or, until the assessment for that year is made, the amount resulting as the net income for that year from the return submitted under the said Act; and the Director may, for this purpose, require any insured person to produce his income tax assessments and returns.

(6) A person who normally relies on insurable employment for his livelihood and who during any period is —

(a) incapable of work by reason of some disease or bodily injury and is not entitled to any remuneration from his employer or to any credited contributions under section 9 of this Act; or

(b) in any way involved in a trade dispute because of which he is not entitled to any remuneration from his employer;

and who is not entitled to an exemption from the payment of a class two contribution in accordance with subsection (1) of this section, shall, notwithstanding the provisions of subsection (3) of this section, be liable to pay a class two contribution at the lower rate.”.

6. Immediately after section 5A of the principal Act, there shall be inserted the following new sections:

Addition of new sections 5B and 5C in the principal Act.

5B. An insured person who is liable to pay a class one contribution under section 5 of this Act and who is also gainfully occupied in a self-employed capacity, may at his request and with the approval of the Director, pay a class two contribution instead of a class one contribution; and such an insured person may not revert to the status of a class one contributor unless and until he ceases to be gainfully occupied in a self-employed capacity, and informs the Director of such change:

"Payment of a class two contribution in lieu of a class one contribution."

Provided that the Director shall not give his approval unless the applicable rate of class two contribution exceeds the aggregate applicable rate of class one contribution payable by the employer and by the employed person, and he shall revoke such approval with effect from such date which he determines to be the date on which the said condition ceased to be satisfied.

Payment of a class one contribution by persons gainfully occupied outside Malta.

5C. (1) A person who —

(a) is employed under a contract of service outside Malta in such manner that he is not in insurable employment, and

(b) retains his ordinary residence in Malta,

may, with effect from the date of an application to the Director, instead of paying a class two contribution pay a class one contribution and, in addition, the contribution normally payable by an employer in respect of a person paying a class one contribution.

(2) The contributions payable under subsection (1) of this section shall be paid at intervals of four months in the form and manner established by paragraph (d) of subsection (4) of section 8 of this Act; and such contributions shall remain payable in respect of every contribution week or part thereof during which the conditions specified in paragraphs (a) and (b) of subsection (1) of this section continue to apply."

7. In paragraph (e) of subsection (5) of section 8 of the principal Act, immediately after the words "payable under section five" there shall be added the words "within such time and".

Amendment of section 8 of the principal Act.

8. Section 10 of the principal Act shall be amended as follows:

Amendment of section 10 of the principal Act.

(a) in subsection (1) thereof, the words "(f) widow's special allowance;" shall be deleted;

(b) subsection (2) thereof shall be amended as follows:

(i) for paragraph (a) there shall be substituted the following:

"(a) the rates of the several kinds of benefit other than a marriage grant, guardian's allowance, disablement benefit or an orphan's allowance under death benefit shall be as set out in Parts I and IA of the Third Schedule to this Act, the amount of a marriage grant shall be as set out in Part II of that Schedule, the amount and weekly rates of disablement benefit shall be as set out in Parts III and

IV of that Schedule, and the rates of a guardian's allowance and orphan's allowance shall be as set out in Part VII of that Schedule;"

(ii) in paragraph (b), the words "widow's special allowance," shall be deleted;

(c) in sub-paragraph (ii) of paragraph (a) of subsection (3) thereof, for the figure "£1,100" there shall be substituted the figure "£1,181"; and

(d) in subsection (5) thereof, the words "or widow's special allowance" shall be deleted.

Amendment of  
section 16 of  
of the principal  
Act.

9. Section 16 of the principal Act shall be amended as follows:

(a) for subsection (1) thereof there shall be substituted the following new subsection:

"(1) Subject to the provisions of this Act, a widow whose husband satisfies the relevant contribution conditions at the date of his death shall be entitled to a widow's pension:

Provided that where a widow is gainfully occupied, she shall not be entitled to such pension unless —

(i) she proves to the satisfaction of the Director that her earnings from any gainful occupation do not exceed £30 in any period of four weeks or £97.50 in any period of thirteen weeks; or

(ii) she is over the age of sixty-five years.";

(b) in subsection (1A) thereof, for the words "less any increase for the wife", there shall be substituted the words "had he been a single person";

(c) subsection (1B) thereof shall be deleted;

(d) in subsection (2) thereof the words "or widow's special allowance" and the words "or the widow's special allowance" shall be deleted; and

(e) immediately after subsection (2) thereof there shall be inserted the following new subsections:

"(3) For the purposes of subsection (1) of this section, no account shall be taken of the earnings derived from membership of any board, committee or council established by or under any law or of such classes of earnings as the Minister may, by order, declare.

(4) A widow under the age of 60 years and who is not in receipt of a pension under the Widows and Orphans Pensions Act, shall be entitled to a supplementary pension at the rate of £4.20,0 per week in addition to the rate of widow's pension applicable to her under this Act and a supplementary pension shall only be payable so long as a widow's pension is payable to her and only until she reaches the age of 60 years.

(5) Notwithstanding any other provision of this Act, a widow who was in receipt of a widow's pension or a widow's special allowance on the 1st day of June, 1979, in accordance with the provisions of this Act as in force on that date, shall remain entitled to a widow's pension or to a widow's special

allowance for so long as she would have remained so entitled if those provisions had remained operative as in force on the date aforesaid; but she shall not be entitled to a supplementary pension payable in terms of subsection (4) of this section in addition to such pension or allowance.”.

**10.** Section 16A of the principal Act shall be amended as follows: Amendment of section 16A of the principal Act.

(a) in sub-paragraphs (i), (ii) and (iii) of paragraph (a) of the proviso to subsection (1) thereof, for the words “post he occupied, or its analogue, immediately” wherever they occur, there shall be substituted in each case the words “post he occupied immediately”;

(b) in paragraph (b) of the proviso to subsection (1) thereof the word “and” shall be deleted, and

(c) immediately after paragraph (c) of the proviso to subsection (1) thereof, there shall be inserted the following new paragraphs:

“(d) where the post referred to in sub-paragraphs (i), (ii) and (iii) of paragraph (a) of this proviso no longer exists it shall be substituted by such analogous post in the Government service which carried a wage or salary most nearly corresponding to that of the post in question at the time when it was last occupied by the pensioner;

(e) the current wage or salary referred to in sub-paragraphs (i), (ii) and (iii) of this proviso shall not exceed the amount determined under the first proviso to the definition of pensionable income contained in section 2 of this Act.”.

**11.** Section 17 of the principal Act shall be amended as follows: Amendment of section 17 of the principal Act.

(a) in the proviso to subsection (1) thereof, for the words “within three months” there shall be substituted the words “within six months”;

(b) in paragraph (a) of subsection (1A) thereof, for the figures “£20” and “£65” there shall be substituted respectively the figures “£30” and “£97.50”;

(c) immediately after paragraph (a) of subsection (1A) thereof, there shall be added the following new proviso:

“Provided that no account shall be taken of the earnings derived from membership of any board, committee or council established by or under any law or such classes of earnings as the Minister may, by order, declare.”;

(d) paragraph (b) of subsection (1A) thereof shall be deleted;

(e) in paragraphs (i) and (ii) of subsection (3) thereof, for the words “the current wage or salary pertaining to the post he occupied, or its analogue immediately before retirement”, wherever they occur, there shall be substituted in each case the words “his pensionable income”;

(f) paragraph (iii) of subsection (3) thereof shall be deleted;

(g) immediately after subsection (3) thereof, there shall be added the following new subsection:

“(3A) If the date of first entry in insurance of an insured person falls on or after the 16th day of January 1979, such an insured person shall not be entitled to a retirement pension or to an increased retirement pension or to a national minimum pension under this Part.”;

(h) in the proviso to subsection (4) thereof, for the words “immediately before his retirement” there shall be substituted the words “on which the said service pension was based”, and

(i) immediately after subsection (6) thereof there shall be inserted the following new subsections:

“(7) In calculating the pensionable income the Director shall ignore any increase or increases in any wage, salary or income during the last ten years immediately before retirement which appear to him to be not *bona fide*.

(8) For the purpose of determining from year to year the amount (if any) payable by way of increased retirement pension or of national minimum pension, any sum payable by way of such pension in accordance with subsections (3), (4) or (6) of this section shall be reassessed annually as provided in the following provisions of this section.

(9) The first re-assessment shall take place with effect from the 20th day of January, 1979 and shall apply to all persons who were in receipt of any of the pensions aforesaid at any time prior to that date.

(10) Subsequent re-assessments shall take place every year, with effect from the first Saturday in January of the year of the re-assessment, in respect of all persons who are in receipt of any of the pensions aforesaid at any time prior to the said first Saturday.

(11) Every re-assessment shall be effected by substituting, for the pensionable income —

(i) in the case of a person whose retirement occurred before the 22nd day of January, 1979 —

(a) if on retirement he was an employed person, the current wage or salary, as on the effective date of the re-assessment, of the post he occupied immediately before his retirement or of the post on which the service pension was awarded, whichever is the higher;

(b) if on retirement he was a self-employed person, the current wage or salary, as on the effective date of the re-assessment, of the post on which the service pension was awarded;

(ii) in the case of a person whose retirement occurs on or after the 22nd day of January, 1979, the aggregate of the pensionable income and —

(a) if he is to be treated as an employed person, the amount by which the current wage or salary of the highest post occupied during the best consecutive period on which his pensionable income had been computed exceeds, on the effective date of the re-assessment, the wage or salary of the said post on

the date of retirement; and where such wage or salary represents a point in a scale, the increase to be applied shall be in accordance with the corresponding point system as applied by the Government;

(b) if he is to be treated as a self-employed person, the total wage increases required by law to be awarded generally in respect of the period intervening between the date of retirement and the effective date of the re-assessment:

Provided that where any of the posts referred to in this subsection no longer exists, there shall be substituted therefor such analogous post in the Government service which carried a wage or salary most nearly corresponding to that of the first mentioned post at the time when it was last occupied by the pensioner.

(12) Notwithstanding the provisions of subsection (11) of this section, the current wage or salary referred to in that subsection shall in no case exceed the amount determined under the first proviso to the definition of pensionable income contained in section 2 of this Act.”.

**12.** Section 17A of the principal Act shall be amended as follows: Amendment of section 17A of the principal Act.

(a) immediately after the words “aforementioned sections” there shall be inserted the words “or under Part IX of this Act”, and

(b) in the proviso thereto, immediately after the words “the said sections” there shall be inserted the words “or the said Part IX”.

**13.** Section 17B of the principal Act shall be amended as follows — Amendment of section 17B of the principal Act.

(a) in subsection (1) thereof, for the words “under sections 16A and 17” there shall be substituted the words “under sections 16, 16A and 17 and subsection (2) of section 25”; and

(b) subsection (2) thereof shall be substituted by the following new subsection:

“(2) For the purposes of this section where a trading licence is at any time in the name of an insured person or the wife or husband of such an insured person, and the concern to which the licence relates is at any time transferred by the said insured person or the wife or husband of such an insured person to any other person living with him or her as one family at the time when the application for a pension as is referred to in subsection (1) of this section is made or any such pension is being paid, such an insured person shall be deemed to be still in possession of a trading licence.”.

**14.** Subsection (3) of section 19 of the principal Act shall be substituted by the following new subsection: Amendment of section 19 of the principal Act.

“(3) Subject to the provisions of section 33 of this Act, benefit shall not be payable in respect of an accident happening to an insured person while he is outside Malta, unless the accident arises out of and in the course of an employment which is specified in section 5C of this Act or in the proviso to paragraph 1 of

Part I of the First Schedule to this Act or in paragraph 2 of the said Part I of the First Schedule.”.

Amendment of section 25 of the principal Act.

15. Section 25 of the principal Act shall be amended as follows:

(a) in subsection (1) thereof the words “(c) widow’s allowance;” shall be deleted;

(b) for paragraph (a) of subsection (2) thereof there shall be substituted the following:

“(a) his widow shall be entitled to a widow’s benefit during any period in which she satisfies either of the conditions contained in the proviso to subsection (1) of section 16 of this Act; and for the purposes of this paragraph, subsection (3) of the said section 16 shall also apply;”;

(c) in subsection (3) thereof for the words “death benefit” wherever they occur, there shall be substituted in each case the words “widow’s benefit”; and

(d) immediately after subsection (3) thereof there shall be added the following new subsections:

“(4) A widow under the age of 60 years and who is not in receipt of a pension under the Widows and Orphans Pensions Act, shall be entitled to a supplementary pension at the rate of £4.20,0 per week in addition to the widow’s benefit payable under this Act; and a supplementary pension shall only be payable so long as a widow’s benefit is payable to her and only until she reaches the age of 60 years.

(5) Notwithstanding any other provision of this Act, a widow who was in receipt of a widow’s benefit or a widow’s allowance on the 1st day of June, 1979 in accordance with the provisions of this Act as in force on that date, shall remain entitled to a widow’s benefit or a widow’s allowance for so long as she would have remained so entitled if those provisions had remained operative as in force on the date aforesaid; but she shall not be entitled to a supplementary pension payable in terms of subsection (4) of this section in addition to such benefit or allowance.”.

Addition of new section 33A in the principal Act.

16. Immediately after section 33 of the principal Act there shall be inserted the following new section:

“Inmates of old people’s homes and other institutions.

33A. (1) Where, during any period after the 21st day of July, 1979, a person is in receipt of a pension, benefit or allowance payable under sections 16, 16A, 17, 17A, 24 and 25 of this Act (excluding Orphan’s Allowance) he shall —

(a) if he is an inmate of such institution for the care and welfare of old people, as is specified by the Minister by notice in the Gazette, cease to receive such a pension, benefit or allowance for the whole period during which he is such an inmate;

(b) if he is an inmate of such other institution as is specified by the Minister by notice in the Gazette, and has been such an inmate for a period exceeding six consecutive months, cease to receive such a pension, benefit

or allowance for such period immediately following the said six months, during which he is such an inmate;

and he shall receive instead —

(i) sixty per cent of the rate applicable in his case according to the rates of pension, benefit or allowance in force on 20th January, 1979, until such time as such rate represents forty per cent of the pension, benefit or allowance to which he would then be entitled if he were not an inmate as aforesaid; and

(ii) after such time as aforesaid, forty per cent of the rate then applicable in his case,

so however that if he is one of a married couple both of whom are inmates as aforesaid and of whom only one spouse is in receipt of a pension, benefit or allowance reduced as aforesaid or in accordance with section 99 of this Act, such reduced pension shall be paid in two equal portions to the husband and to the wife; and the balance shall be paid to the Welfare Committee established under the National Assistance Act, 1956:

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of 1956

Provided that where a person to whom this subsection applies is a married man who, but for the provisions of this subsection would have been in receipt of the rate applicable to a married man, and whose wife —

(i) is not herself such an inmate, and

(ii) is not herself in receipt of a weekly pension, benefit or allowance in accordance with sections 16A, 17 and 24 of this Act or in accordance with Part IX of this Act,

such a married man shall not be entitled to the pension, benefit or allowance reduced as aforesaid, but his wife shall be entitled to such rate of pension as would have been applicable to her husband had he been a single person; and the difference between the married rate of such pension as would have been applicable in his case and such pension as is payable to his wife in accordance with this proviso shall be paid as to forty per cent to the husband, and as to sixty per cent to the aforementioned Welfare Committee:

Provided further that where a person to whom this subsection applies is entitled to an increase in respect of a child in accordance with section 30 of this Act, such increase shall not be paid to such person, but shall be paid to such other person, other than an institution, who in the opinion of the Director has the effective custody of the child in respect of whom the increase is payable.

(2) Where, during any period after the 21st day of July, 1979, the wife of a person who is in receipt of a pension or allowance payable under sections 16A, 17, 17A, 24 and 25 of this Act, is an inmate of an institution specified as provided in paragraphs (a) and (b) of subsection (1) of this section, the husband of such wife shall, unless she is herself in receipt of a pension, benefit or allowance payable under sections 16A, 17 or 24 of this Act or of a pension under Part IX of this Act, cease to receive such a pension at the rate applicable in his case to a married man and shall receive instead such

pension at the rate applicable in his case to a single person; and the difference between such married and single rates of pension as are applicable in his case shall be paid as to forty per cent to the wife, and as to sixty per cent to the Welfare Committee referred to in subsection (1) of this section.”.

Amendment of section 34 of the principal Act.

17. In paragraph (a) of subsection (2) of section 34 of the principal Act, for the words “three months” there shall be substituted the words “two years”.

Amendment of section 35 of the principal Act.

18. Section 35 of the principal Act shall be amended as follows:

(a) in subsection (2) thereof, the words “widow’s special allowance,” shall be deleted; and

(b) in subsection (3) thereof, for the words “six months” there shall be substituted the words “one year”.

Amendment of section 38 of the principal Act.

19. Subsection (3) of section 38 of the principal Act shall be deleted.

Amendment of section 39 of the principal Act.

20. In subsection (3) of section 39 of the principal Act, for the words “to the credit of the National Insurance Account” there shall be substituted the words “to the credit of the Consolidated Fund”.

Amendment of section 43 of the principal Act.

21. For subsection (1) of section 43 of the principal Act, there shall be substituted the following:

“(1) An appeal shall lie to the umpire from any decision of the Director on any question of law or principle of importance arising in connection with the determination of any question under section forty or of any claim under section forty-one of this Act, as well as from any decision of the Director given under subsection (7) or (11) of section 17 or under section 95 or 96 of this Act —

(a) at the instance of any person aggrieved by the determination or decision of the Director; or

(b) by the heirs of any person so aggrieved; or

(c) at the instance of a trade union if the person so aggrieved is or at the time of his death was a member of that trade union.”.

Amendment of section 46 of the principal Act.

22. In paragraph (c) of section 46 of the principal Act, for the words “to the National Insurance Account” there shall be substituted the words “under this Act”.

Amendment of section 50 of the principal Act.

23. Section 50 of the principal Act shall be amended as follows:

(a) for subsection (1) thereof, there shall be substituted the following new subsection:

“(1) All benefits, allowances and pensions payable under this Act shall be a charge on the Consolidated Fund without any further appropriation other than this Act.”;

(b) subsection (2) thereof shall be deleted, and

(c) for subsection (3) thereof there shall be substituted the following new subsection:

Act I of  
1962

“(3) Subject to the provisions of the Financial Administration and Audit Act, 1962, the Director shall keep proper records of all disbursements and receipts under this Act and to this end shall keep a separate Account hereinafter referred to as “the Account” as he shall with the approval of the Accountant General determine.”.

24. Subsection (2) of section 53 of the principal Act shall be amended as follows:

Amendment of  
section 53  
of the principal  
Act.

(a) immediately after the words “on any such review, may” there shall be inserted the words “with the concurrence of the Minister responsible for Finance,”, and

(b) the words “on the financial condition of the Account” shall be deleted.

25. Section 54 of the principal Act shall be amended as follows:

Amendment of  
section 54  
of the principal  
Act.

(a) for subsection (1) thereof there shall be substituted the following:

“(1) If any employer fails or neglects to pay any class one contribution which he is liable under this Act to pay, he shall on conviction be sentenced to imprisonment for a term not exceeding six months and for each such unpaid contribution to a fine (multa) of not less than five pounds.”, and

(b) immediately after subsection (4) thereof there shall be inserted the following new subsections:

“(5) The provisions of section 23A of the Criminal Code and of the Probation of Offenders Act, 1957 shall not be applicable in respect of any offence under this section.

Cap. 12  
Act XII of 1957

(6) Where any proceedings are filed in any court as a consequence of non-payment of class one contributions the Court shall hear and dispose of such proceedings with urgency.

(7) Notwithstanding the provisions of any other law, the claim of the Director for any amount due by way of contribution under this section shall constitute a privileged claim ranking equally with wages of employees over the assets of the employer and shall be paid together with wages in preference to all other claims whether privileged or hypothecary.”.

26. In subsection (1) of section 54A of the principal Act for the words “for each such offence” there shall be substituted the words “for every such unpaid contribution”.

Amendment of  
section 54A  
of the principal  
Act.

27. Immediately after subsection (1) of section 55 of the principal Act there shall be inserted the following new subsection:

Amendment of  
section 55  
of the principal  
Act.

“(2) Where any person, for the purpose of paying a class two contribution at the lower rate —

(i) knowingly or recklessly makes any false statement or false representation; or

(ii) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular,

he shall be liable on conviction to a fine (*multa*) of not less than five hundred pounds and not more than one thousand pounds.”.

Amendment of section 58 of the principal Act.

**28.** In subsection (1) of section 58 of the principal Act, for the words “and under section fifty-six” there shall be substituted the words “and under sections fifty-four and fifty-six”.

Substitution of section 61 of the principal Act.

**29.** For section 61 of the principal Act there shall be substituted the following new section:

“Liability of manager and other principal officer of body of persons. Act VII of 1975.

61. (1) Without prejudice to section 13 of the Interpretation Act 1975, where any act, matter or thing required to be done or to be omitted to be done by or under this Act is to be done or to be omitted by a body or other association of persons, such act, matter or thing shall also be required to be done or to be omitted personally by the manager or other principal officer of such body or association; and the provisions of this Act and of any regulations made thereunder shall apply accordingly.

(2) Where in application of subsection (1) of this section any payment is due to be made by a body or association of persons and by the manager or other principal officer thereof, such obligation shall be due jointly and severally.”.

Amendment of section 62 of the principal Act.

**30.** In paragraph (b) of subsection (1) of section 62 of the principal Act, the words “a widow’s special allowance,” shall be deleted.

Amendment of section 63 of the principal Act.

**31.** In subsection (1) of section 63 of the principal Act, for the words “for every such failure or neglect” there shall be substituted the words “for every such unpaid contribution”.

Amendment of section 63A of the principal Act.

**32.** In section 63A of the principal Act, for the words “for every such failure or neglect” there shall be substituted the words “for every such unpaid contribution”.

Addition of new sections 63B and 63C to the principal Act.

**33.** Immediately after section 63A of the principal Act there shall be inserted the following new sections:

“Information required by the Director.

63B. (1) Any person who at any time has or has had in his employment any employed person shall furnish to the Director or to the Commissioner of Inland Revenue on behalf of the Director such information concerning such employed person as he may require for the purposes of this Act and within such time as may be indicated in the request.

(2) If any person fails to provide any such information in whole or in part within the time indicated in the request he shall be liable on conviction to a fine (*multa*) of

not less than fifty pounds for each such offence and to a further fine (*multa*) of not less than one pound for every day during which the said offence continues:

Provided that no proceedings shall be taken against him if, after an intimation in writing of the charge against him has been given to him, he agrees to pay and in fact pays to the Director within such time as may be fixed by the latter a penalty not exceeding twenty-five pounds for every such failure as aforesaid and a further penalty not exceeding fifty cents for every day during which such failure continues.

Deeming unpaid contributions as paid in cases where employee has no blame.

63C. For the purposes of establishing whether an insured person satisfies the contribution conditions required by this Act, any contributions due but unpaid in respect of an employed person under section 5 of this Act may, provided the Director is satisfied that such non-payment is not due to any fault or connivance on the part of the employed person, be deemed by the Director to have been paid; but shall for all other purposes be treated as unpaid."

34. In subsection (7) of section 68 of the principal Act, the words "out of the account" shall be deleted.

Amendment of section 68 of the principal Act.

35. Immediately after section 69 of the principal Act, there shall be added the following new section:

Addition of new section 69A to the principal Act.

"Contributions under the Widows' and Orphans' Pensions Act.

69A. Notwithstanding any provision of the Widows' and Orphans' Pensions Act, any contribution payable under that Act shall, with effect from 1st June, 1979 cease to be payable, but all the provisions of that Act shall, with effect from the date aforesaid, continue to have effect as if all contributions which, but for the provisions of this section would have been payable under that Act, had in fact been paid."

36. For paragraph (a) of section 76 of the principal Act there shall be substituted the following:

Amendment of section 76 of the principal Act.

"(a) in the case of a child allowance —

(i) in respect of the first eligible child 188 cents per week;

(ii) in respect of the second eligible child 157 cents per week;

(iii) in respect of the third eligible child 105 cents per week;"

37. Section 83 of the principal Act shall be amended as follows:

Amendment of section 83 of the principal Act.

(a) in paragraph (a) of subsection (1) thereof, for the words "three months" there shall be substituted the words "one year";

(b) in paragraph (b) of subsection (1) thereof, for the words "three months" wherever they occur there shall be substituted in each case the words "one year"; and

(c) in subsection (4) thereof, for the words "six months" there shall be substituted the words "one year".

Repeal of section 84 of the principal Act.

38. Section 84 of the principal Act shall be repealed.

Insertion of new Part IX to the principal Act.

39. Immediately after Part VIII of the principal Act there shall be inserted the following new Part:

#### "PART IX

Interpretation.

88. In this Part, unless the context otherwise requires: "pension" means a pension payable under this Part; "gratuity" includes any sum of money, howsoever described, due or paid, whether directly or indirectly and whether under a contributory scheme or not, by an employer to an employed person in view of or consequent upon the retirement of such person from his employment, other than —

- (a) the commuted part of a service pension; or
- (b) a sum paid by way of terminal benefit which is shown to the satisfaction of the Director to have been paid for premature termination of employment.

Qualifying conditions for a pension.

89. An insured person —

- (a) who has been an employed or self-employed person for not less than ten years in the aggregate prior to his retirement; and
- (b) whose retirement occurs on or after the 16th day of January 1979; and
- (c) who has paid the proper rate of contribution under this Act at any time after the 21st day of January 1979; and
- (d) in the case of a self-employed person, has paid at least 156 contributions after the 21st day of January, 1979, and

(e) is not disqualified under section 90 of this Act, shall be entitled to a pension under and in accordance with the provisions of this Part.

Disqualifications.

90. (1) An insured person under the age of 65 years shall be disqualified from receiving a pension during any period in which he is gainfully occupied and fails to prove to the satisfaction of the Director that his earnings from such gainful occupation do not exceed £30 in any period of four weeks or £97.50 in any period of thirteen weeks:

Provided that no account shall be taken of the earnings derived from membership of any board, committee or council established by or under any law or of such classes of earnings as the Minister may, by order, declare.

(2) An insured person under the age of 65 years who is to be treated on retirement as a self-employed person shall be disqualified from receiving a pension during any period in which he derives a net income (excluding earnings from a gainful occupation and any service pension) at a rate exceeding £490 per annum.

(3) An insured person under the age of 65 years shall be disqualified from receiving a pension during any period in which such an insured person or the wife or husband of such an insured person, as the case may be, is in possession of any licence issued by the Commissioner of Police to carry on a trade or business:

Provided that, where it is the spouse of an insured person who is in possession of such a licence, the insured person shall still be entitled to receive a pension (where applicable as if he were a single person) if there is no community of acquests between the spouses either because it was excluded by them in the marriage contract entered into before their marriage or it was excluded by them by means of a lawful contract entered into before the 1st day of April, 1978, or because it was dissolved as a result of their legal separation from bed and board.

(4) For the purposes of subsection (3) of this section, where a trading licence is at any time in the name of an insured person or the wife or husband of such an insured person, and the concern to which the licence relates is at any time transferred by the said insured person or the wife or husband of such an insured person to any other person living with him or her as one family at any time when a pension would, but for the provisions of the said subsection (3), have been due, such an insured person shall be deemed to be still in possession of a trading licence.

Rate of  
pension.

91. (1) Subject to the provisions of this Part, the full rate of pension shall be two-thirds of the pensionable income of the insured person.

(2) The full rate of pension shall be payable to a person who has paid or been credited with a yearly average of fifty contributions over a period of thirty years or such other smaller number of years as corresponds to the number of years from the 1st day of January, 1956 or, if the insured person so elects, from the 1st day of January, 1965, up to the end of the contribution year immediately preceding his retirement:

Provided that —

(a) the period of years to be taken into account in accordance with this subsection shall include the last ten consecutive years ending on the last day of the contribution year immediately preceding his retirement or his becoming entitled to a pension under section 16A of this Act, as the case may be; and

(b) no account shall be taken of contributions credited under section 9 of this Act while the insured person

was entitled to a pension under section 16A of this Act; and in such a case the period of years to be taken into account in accordance with this subsection shall end on the last day of the contribution year immediately preceding the date of his becoming entitled to a pension under the said section 16A.

(3) Notwithstanding the foregoing provisions of this section, where an insured person qualifies for the full rate of pension —

(a) he shall in no case receive less than —

(i) two-thirds of £18.88 per week; or

(ii) if he is a married man, two-thirds of £22.65 per week;

(b) if he is to be treated on retirement as a self-employed person and his rate of contribution last payable as a self-employed person is, in accordance with the provisions of this Act, a class two contribution at the higher rate, he shall receive a pension at the weekly rate of two-thirds of £30.68;

(c) he shall in no case receive by way of pension under this Part a weekly rate exceeding two-thirds of £30.68.

(4) Where the condition of a yearly average of 50 contributions required by subsection (2) of this section is not satisfied, the proportion of two-thirds referred to in subsections (1) and (3) of this section shall be multiplied by the proportion that the yearly average of contributions paid or credited (other than those credited under section 9 of this Act while the insured person was entitled to an invalidity pension or increased invalidity pension or, prior to reaching pension age, to a national minimum pension) bears to 50; and the result of such multiplication shall substitute the said proportion of two-thirds.

Reduction of  
pension by  
reason of  
service  
pension or  
gratuity.

92. (1) Where a person is entitled to a service pension no part of which has been commuted, any pension arrived at in accordance with the provisions of section 91 of this Act shall be abated by the amount of such service pension.

(2) Where a person is entitled to a service pension which has been commuted in whole or in part, any pension arrived at in accordance with the provisions of section 91 of this Act shall be abated by the aggregate of —

(a) the service pension, and

(b) one-half of the difference, if any, resulting from the subtraction of —

(i) the amount of the commuted part of the service pension, from

(ii) the amount which bears the same proportion to the pensionable income as the commuted part of the service pension bears to the emoluments on which such service pension was awarded.

(3) Where a person has been awarded a gratuity, such gratuity shall be converted into a notional yearly pension equivalent to five per centum of the said gratuity and subsection (2) of this section shall apply as follows:

(a) where the insured person is not entitled to a service pension, the said notional pension shall be treated as a service pension which has been wholly commuted;

(b) where the insured person is entitled to a service pension no part of which has been commuted, the said notional pension shall be —

(i) added to the service pension, and

(ii) substituted for the commuted part of the service pension;

(c) where the insured person is entitled to a service pension which has been commuted in whole or in part, the service pension and the commuted part of such service pension shall each be increased by the notional pension;

(d) where the insured person is entitled to a service pension payable by one employer and to a gratuity payable by another employer, the gratuity shall be treated separately and related to the emoluments, at the time it was awarded, of the post occupied at that time:

Provided that where the insured person elects to pay and within one year of his retirement pays to the Director the whole amount of the gratuity, the provisions of this subsection shall cease to apply with effect from the date of such payment.

Payment  
of pension  
under Part  
III of this  
Act.

93. Where a person qualifies for a pension under Part III of this Act and for a pension under this Part, he shall be entitled to the pension which is more advantageous to him, but only to such pension.

Commence-  
ment of  
pension.

94. Pension shall be payable to a person with effect from the date of his retirement if he makes a claim therefor within six months of such date; and if he does not make a claim within such period, pension shall be payable with effect from the day on which the claim is made.

Increases  
not  
considered  
to be  
*bona fide*.

95. For the purposes of this Part, in calculating the pensionable income the Director shall ignore any increase or increases in any wage, salary or income during the last ten years immediately before retirement, which appear to him to be not *bona fide*.

Review of  
pension.

96. (1) The pension of any person who has attained the age of 63 years shall be reviewed annually as provided in the following provisions of this section.

(2) The first review shall take place with effect from the first Saturday in January 1981 and shall apply to all persons who are in receipt or, but for the provisions of section 90 of this Act, would have been in receipt, of a pension at any time prior to that date:

Provided that in the case of a person who attains the age of 63 years during 1981, his pension shall be reviewed with effect from the first Saturday after his birthday.

(3) Subsequent reviews shall take place every year —

(a) with effect from the first Saturday in January of the year of the review in respect of persons whose pension has already been reviewed;

(b) with effect from the first Saturday after the pensioner attains the age of 63 years in respect of persons who attain that age during a year in which the review is made.

(4) Every review shall be effected by substituting for the pensionable income, the aggregate of the said pensionable income and —

(a) in the case of a person who is to be treated as an employed person, the amount by which the actual wage or salary of the highest post occupied during the best consecutive period on which his pensionable income had been computed exceeds, on the first Saturday in January of the year of the review, the wage or salary of the said post on the date of retirement; and where such wage or salary represents a point in a scale, the increase to be applied shall be in accordance with the corresponding point system as applied by the Government;

(b) in the case of a person who is to be treated as a self-employed person, the total wage increases required by law to be awarded generally in respect of the period intervening between the date of retirement and the first Saturday in January of the year of the review:

Provided that where the post referred to in paragraph (a) of this subsection no longer exists there shall be substituted therefor such analogous post in the Government service which carried a wage or salary most nearly corresponding to that of the first mentioned post at the time when it was last occupied by the pensioner.

Payment of pension where there was no liability for contribution during the last ten years preceding retirement.

97. A person who during the last ten calendar years immediately preceding his retirement was not liable to pay a contribution under this Act shall not be debarred from receiving a pension if, for each contribution week during the said ten years, he was entitled to a credited contribution in accordance with section 9 of this Act; and his pensionable income shall be —

(a) in the case of a person who is to be treated as an employed person, the wage or salary of the post he occupied on the last day of his employment increased by the applicable wage increases required by law to be awarded generally in respect of each subsequent year up to the date of his attaining pension age;

(b) in the case of a person who is to be treated as a self-employed person, his net income on which a class two contribution was last paid, increased as aforesaid:

Provided that if, in accordance with the provisions of this Act, his last rate of contribution paid was a class two contribution at the lower rate, his pensionable income shall be his net income on which a class two contribution was last paid, increased as aforesaid, or the amount mentioned in the first proviso to subsection (3) of section 5A of this Act, whichever is the lower amount.

Persons in receipt of Invalidity Pension.

98. (1) In the case of a person who becomes entitled to a pension under this Part and who, immediately before becoming so entitled was in receipt of a pension under section 16A of this Act, his pensionable income shall be —

(a) in the case of a person who, at the time immediately preceding his becoming an invalid, was an employed person, the wage or salary of the post he then occupied increased by the applicable wage increases required by law to be awarded generally in respect of each subsequent year up to the date of his attaining pension age;

(b) in the case of a person who, at the time immediately preceding his becoming an invalid, was a self-employed person, his net income from self-employment at that time increased as aforesaid:

Provided that if, in accordance with the provisions of this Act, his rate of contribution immediately before he became an invalid was a class two contribution at the lower rate, his pensionable income shall be his net income from self-employment at that time, increased as aforesaid, or the amount mentioned in the first proviso to subsection (3) of section 5A of this Act, whichever is the lower amount.

(2) If the rate of pension in accordance with subsection (1) of this section is less than the rate of pension payable under section 16A of this Act, the pensioner shall retain the latter pension.

Inmates of old people's homes and other institutions.

99. (1) Where, during any period after the 21st day of July, 1979, a person is in receipt of a pension he shall —

(a) if he is an inmate of such institution for the care and welfare of old people, as is specified by the Minister by notice in the Gazette, cease to receive such a pension for the whole period during which he is such an inmate;

(b) if he is an inmate of such other institution as is specified by the Minister by notice in the Gazette, and has been such an inmate for a period exceeding six consecutive months, cease to receive such a pension for such period immediately following the said six months, during which he is such an inmate;

and he shall receive instead forty per cent of the rate applicable in his case, so however that if he is one of a married couple both of whom are inmates as aforesaid and of whom only one spouse is in receipt of a pension, benefit or allowance payable under section 16, 16A, 17, 17A, 24 or 25 of this Act or of a pension under this Part, reduced as aforesaid

or in accordance with section 33A of this Act, the said forty per cent shall be paid in two equal portions to the husband and to the wife; and the balance of sixty per cent shall be paid to the Welfare Committee established under the National Assistance Act, 1956:

Provided that where a person to whom this subsection applies is a married man whose wife —

- (i) is not herself such an inmate, and
- (ii) is not herself in receipt of a weekly pension, benefit or allowance payable under sections 16A, 17 or 24 of this Act or of a pension under this Part,

such a married man shall not be entitled to the aforementioned forty per cent, but his wife shall be entitled to receive a weekly payment equivalent to sixty per cent of the rate applicable in his case, and the balance of forty per cent shall be paid as to forty per cent to the husband, and as to sixty per cent to the afore-mentioned Committee.

(2) Where, during any period after the 21st day of July, 1979, the wife of a person who is in receipt of a pension under this Part is an inmate of an institution specified as provided in paragraphs (a) and (b) of subsection (1) of this section, the husband of such wife shall, unless she is herself in receipt of a pension, benefit or allowance payable under section 16A, 17 or 24 of this Act or of a pension under this Part, cease to receive such pension and he shall receive instead a weekly payment equivalent to sixty per cent of the rate applicable in his case, and the balance of forty per cent shall be paid as to forty per cent to the wife, and as to sixty per cent to the said Committee.

Survivor's  
pension.

100. (1) Subject to the provisions of this section, a widow whose husband (hereinafter referred to as "the deceased pensioner") at the time of his death was or, but for the provisions of section 90 of this Act, would have been entitled to a pension under this Part, shall be entitled to a survivor's pension.

(2) The full rate of survivor's pension shall be two-thirds of the pension that was or would have been payable to the deceased pensioner in accordance with sections 91 and 96 of this Act.

(3) Where the deceased pensioner was entitled to a service pension which had been commuted in whole or in part, any pension arrived at in accordance with the provisions of subsection (2) of this section shall be abated by one-third of the difference, if any, resulting from the subtraction of —

(a) the amount of the commuted part of the service pension, from

(b) the amount which bears the same proportion to the pensionable income of the deceased pensioner, or where his pension had been reviewed in accordance with subsection (4) of section 96 of this Act, to the amount substituted for such pensionable income at the time of

the last such review, as the commuted part of his service pension bears to the emoluments on which such service pension was awarded.

(4) Where the deceased pensioner had been awarded a gratuity, such gratuity shall be converted into a notional yearly pension equivalent to five per centum of the said gratuity and subsection (3) of this section shall apply as follows:

(a) where the deceased pensioner was not entitled to a service pension, the said notional pension shall be treated as a service pension which had been wholly commuted;

(b) where the deceased pensioner was entitled to a service pension no part of which had been commuted, the said notional pension shall be substituted for the commuted part of the service pension;

(c) where the deceased pensioner was entitled to a service pension which had been commuted in whole or in part, the commuted part of such service pension shall be increased by the notional pension;

(d) where the deceased pensioner was entitled to a service pension payable by one employer and to a gratuity payable by another employer, the gratuity shall be treated separately and related to the emoluments, at the time it was awarded, of the post occupied at that time.

(5) Where the widow is in receipt of a pension from a former employer of the deceased pensioner which is in any way related to the employment of the deceased pensioner prior to his death, if such pension and the rate of survivor's pension applicable in her case, together exceed two-thirds of the pensionable income of the deceased pensioner or, where the latter's pension had been reviewed in accordance with the provisions of subsection (4) of section 96 of this Act, of the amount substituted for such pensionable income at the time of the last such review, the rate of survivor's pension shall be abated by such an amount as will ensure that the afore-mentioned two-thirds are not exceeded.

(6) Where the widow receives a gratuity from a former employer of the deceased pensioner that is related to the employment of the deceased pensioner prior to his death, such a gratuity shall be capitalized at five per centum and the resultant figure shall be treated as a yearly pension received by the widow from a former employer of the deceased pensioner for the purposes of subsection (5) of this section.

(7) A survivor's pension payable under the foregoing subsections shall be reviewed annually in accordance with the provisions of subsections (1), (2) and (3) of section 96 of this Act; and for the purpose of such reviews the pension that would have been payable to the deceased pensioner in accordance with section 91 of this Act shall be determined as provided in subsection (4) of section 96 of this Act.

(8) No pension under this section shall be less than the rate of national minimum pension applicable to a single person calculated on the basis of the contributions paid by or credited to the deceased pensioner.

(9) A widow under the age of 65 years shall be disqualified from receiving a survivor's pension —

(a) during any period in which, had she been entitled to a pension under this Part other than this section, she would have been disqualified from receiving a pension in virtue of subsections (1), (3) and (4) of section 90 of this Act, and

(b) where the deceased pensioner was disqualified from receiving a pension in terms of subsection (2) of section 90 of this Act, for any period up to the age of sixty-five during which she is in receipt of a net income (excluding earnings from a gainful occupation and any service pension) at a rate exceeding £490 per annum.

(10) A survivor's pension shall be payable with effect from the date of death of the deceased pensioner subject to a claim therefor being made to the Director within six months of such date; and if the claim is not made within such period, the pension shall be payable with effect from the day on which the claim is made.

(11) A person who is in receipt of a survivor's pension may not receive any sickness, unemployment, special unemployment, injury or disablement benefit under this Act.

(12) A survivor's pension shall cease in the event of re-marriage of the widow and with effect from the date of such re-marriage.

(13) A widow who is entitled to a survivor's pension and also to any other pension under this Act, shall only be entitled to the higher of such pensions.

Applicability of other sections. 101. The provisions of paragraph (c) of section 33, and of paragraphs (a) and (b) of subsection (1) of section 34, and of section 35 (with the exclusion of sub-paragraphs (i) and (ii) of paragraph (b) of subsection (1)), and of sections 36, 37, 38, 41 (with the exclusion of paragraphs (a) and (aa) of the proviso thereto), 62 and 66 of this Act shall apply in respect of pensions payable under this Part as they apply in respect of benefits under other Parts of this Act."

Amendment of the First Schedule to the principal Act.

40. For the proviso to paragraph 1 of Part I of the First Schedule to the principal Act there shall be substituted the following:

"Provided that, saving the provisions of any agreement with any other country, employment as aforesaid outside Malta shall be treated as employment in Malta if the employer is the Government of Malta or has a place of business in Malta, and the employee concerned is ordinarily resident therein."

41. For the Second Schedule to the principal Act there shall be substituted the following:

Amendment  
of the Second  
Schedule to the  
principal Act.

"SECOND SCHEDULE

Section 5, 5A

Weekly Rates of Contributions

PART I

*Class One Contributions*

Class of Employed Persons	Weekly rate of contribution payable by the employed person, by his employer, and out of the Consolidated Fund
1. Boys and girls over the age of 14 years but under insurable age ... ..	£0.65,0
2. Persons of insurable age and over whose basic wage or salary (excluding overtime, commissions, remuneration in kind or any form of bonus) —	
(a) does not exceed £22.65 per week or £1,181 per annum ... ..	£1.64,0
(b) exceeds £22.65 per week or £1,181 per annum but does not exceed £24.93 per week or £1,300 per annum ... ..	£1.74,0
(c) exceeds £24.93 per week or £1,300 per annum but does not exceed £27.80 per week or £1,450 per annum ... ..	£1.84,0
(d) exceeds £27.80 per week or £1,450 per annum but does not exceed £30.68 per week or £1,600 per annum ... ..	£1.94,0
(e) exceeds £30.68 per week or £1,600 per annum ... ..	£2.04,0

## PART II

*Class Two Contributions*

Class of Insured Persons	Weekly rate of Class Two Contribution
Persons whose total net income exceeds £1,181 per year ... ..	£3.85,0
Persons whose total net income does not exceed £1,181 per year ... ..	£1.74,0"

Amendment of  
of the Third  
Schedule to the  
principal Act.

42. For the Third Schedule to the principal Act there shall be substituted the following:

## "THIRD SCHEDULE

Section 10, 24, 30

## PART I

*Rate of Benefit other than Sickness Benefit, Unemployment Benefit, Special Unemployment Benefit, Injury Benefit, Disablement Pension, Guardian's Allowance and Orphan's Allowance*

Kind of Benefit	Weekly Rate	
	Single Person or Married Woman	Married Man
	£ c m	£ c m
(a) National Minimum Pension ...	9.60,0	15.10,0
(b) Increased Retirement Pension ...	8.80,0	14.38,0
(c) Retirement Pension ... ..	7.40,0	12.10,0
(d) Increased Invalidity Pension ...	8.80,0	14.38,0
(e) Invalidity Pension ... ..	7.40,0	12.10,0
(f) Widow's Pension ... ..	8.80,0	—
(g) Widow's Special Allowance ...	3.26,0	—
(h) Death Benefit:		
(i) Widow's benefit ... ..	10.16,0	—
(ii) Widower's benefit ... ..	10.16,0	—
(iii) Widow's allowance ... ..	3.87,0	—
(iv) Parent's allowance ... ..	8.80,0	14.38,0

## PART IA

*Rate of Sickness Benefit, Unemployment Benefit, Special Unemployment Benefit and Injury Benefit*

Kind of Benefit	Daily Rate	
	Single Person or Married Woman	Married Man
	£ c m	£ c m
(a) Sickness Benefit ... ..	1.47,0	2.39,0
(b) Unemployment Benefit ... ..	1.24,0	2.02,0
(c) Special Unemployment Benefit	1.58,0	2.50,0
(d) Injury Benefit —		
Persons of insurable age ... ..	2.74,0	3.69,0
Persons under insurable age ... ..	1.25,0	2.20,0

## PART II

*Amount of Marriage Grant*

£ c m
66.56,0

## PART III

*Amounts of Disablement Gratuity*

Degree of Disablement	Amount of Gratuity
%	£ c m
1	31.73,0
2	63.46,0
3	95.19,0
4	126.92,0
5	158.65,0
6	190.38,0
7	222.11,0
8	253.84,0
9	285.57,0
10	317.30,0
11	349.03,0
12	380.76,0
13	412.49,0
14	444.22,0
15	475.95,0
16	507.68,0
17	539.41,0
18	571.14,0
19	602.87,0

## PART IV

*Rates of Disablement Pension*

Degree of Disablement	WEEKLY RATES	
	Persons of Insurable Age	Persons under Insurable Age
%	£ c m	£ c m
100	8.80,0	4.40,0
90	7.74,0	3.87,0
80	6.88,0	3.44,0
70	6.12,0	3.06,0
60	5.24,0	2.62,0
50	4.70,0	2.35,0
40	3.76,0	1.88,0
30	2.96,0	1.48,0
20	2.08,0	1.04,0

## PART V

*Increase of Disablement Benefit for a wife when the loss of faculty renders husband incapable of work and likely to remain permanently so incapable*

Weekly Rate
£ c m
5.58,0

## PART VI

*Increase of Widow's Pension, Widow's Benefit and Widower's Benefit for a child*

Kind of Benefit	Weekly Rate per child for children in respect of whom a child's allowance is being paid under Part VIII of this Act	Weekly Rate per child for all other children
	£ c m	£ c m
(a) Widow's Pension	0.85,0	1.01,0
(b) Widow's Benefit	0.85,0	1.01,0
(c) Widower's Benefit	0.85,0	1.01,0

## PART VII

*Rate of Guardian's Allowance and Orphan's Allowance*

Kind of Benefit	Weekly Rate where a child's Allowance is being paid under Part VIII of this Act	Weekly Rate where no child's Allowance is being paid under Part VIII of this Act
	£ c m	£ c m
Guardian's Allowance	1.89,0	2.05,0
Orphan's Allowance	2.97,0	3.23,0"

43. Paragraph 4 of the Fourth Schedule to the principal Act shall be deleted. Amendment of the Fourth Schedule to the principal Act.

44. For the Fifth Schedule to the principal Act there shall be substituted the following: Amendment of of the Fifth Schedule to the principal Act.

## "FIFTH SCHEDULE

## Section 10

## PART I

*Reduced Amounts of Marriage Grant*

Number of contributions paid by insured woman	Amount of Marriage Grant
	£ c m
250 or more (Full Amount)	66.56,0
225 — 249	63.10,0
200 — 224	56.44,0
175 — 199	49.78,0
150 — 174	43.14,0
125 — 149	36.48,0
100 — 124	29.82,0
75 — 99	23.16,0

## PART II

*Reduced Rates of Benefits*

## A. National Minimum Pension

Yearly average of contributions paid or credited	Weekly Rate of National Minimum Pension	
	Single Person or Married Woman	Married Man
	£ c m	£ c m
50 or more (full rate)	9.60,0	15.10,0
40 — 49	8.54,0	13.44,0
30 — 39	6.62,0	10.42,0
20 — 29	4.70,0	7.40,0

## B. Increased Retirement Pension and Increased Invalidity Pension

Yearly average of contributions paid or credited	Weekly Rate of Increased Retirement Pension and Increased Invalidity Pension	
	Single Person or Married Woman	Married Man
	£ c m	£ c m
50 or more (full rate)	8.80,0	14.38,0
40 — 49	7.83,0	12.80,0
30 — 39	6.07,0	9.92,0
20 — 29	4.31,0	7.05,0

## C. Retirement Pension and Invalidity Pension

Yearly average of contributions paid or credited	Weekly Rate of Retirement Pension and Invalidity Pension	
	Single Person or Married Woman	Married Man
	£ c m	£ c m
50 or more (full rate)	7.40,0	12.10,0
40 — 49	6.66,0	10.98,0
30 — 39	5.10,0	8.34,0
20 — 29	3.72,0	6.12,0

## D. Widow's Pension

Yearly average of contributions paid or credited	Weekly Rate of Widow's Pension	
	£ c m	
50 or more (full rate)	8.80,0	
40 — 49	7.83,0	
30 — 39	6.07,0	
20 — 29	4.31,0	

## E. Sickness Benefit

Number of contributions paid or credited in the relevant contribution year	Daily Rate of Sickness Benefit	
	Single Person or Married Woman	Married Man
	£ c m	£ c m
50 or more (full rate)	1.47,0	2.39,0
40 — 49	1.31,0	2.13,0
30 — 39	1.01,0	1.65,0
20 — 29	0.72,0	1.17,0

## F. Unemployment Benefit

Number of contributions paid or credited in the relevant contribution year	Daily Rate of Unemployment Benefit	
	Single Person or Married Woman	Married Man
	£ c m	£ c m
50 or more (full rate)	1.24,0	2.02,0
40 — 49	1.11,0	1.83,0
30 — 39	0.85,0	1.39,0
20 — 29	0.62,0	1.02,0

## G. Special Unemployment Benefit

Number of contributions paid or credited in the relevant contribution year	Daily Rate of Special Unemployment Benefit	
	Single Person or Married Woman	Married Man
	£ c m	£ c m
50 or more (full rate)	1.58,0	2.50,0
40 — 49	1.41,0	2.23,0
30 — 39	1.09,0	1.73,0
20 — 29	0.77,0	1.23,0"

Amendment of the Eighth Schedule to the principal Act.

45. The Eighth Schedule to the principal Act shall be amended as follows:

(i) in sub-paragraph (iii) of the proviso to sub-paragraph (a) of paragraph (1) thereof, for the words "six and one-half per centum of the capital value" there shall be substituted the words "five per centum of the capital value";

(ii) sub-paragraph (iv) of the proviso to sub-paragraph (a) of paragraph (1) thereof shall be substituted by the following:

"no account shall be taken under any of the provisions of this Schedule of any appropriation of that property for the purposes of current expenditure;";

(iii) immediately after sub-paragraph (iv) of the proviso to sub-paragraph (a) of paragraph (1) there shall be inserted the following new sub-paragraph:

"(v) where the actual income derived from such property exceeds the amount arrived at on the basis of sub-paragraphs (i), (ii) and (iii) of this proviso, such actual income shall be taken as the yearly value;";

(iv) in sub-paragraph (c) of paragraph (1) thereof, for the words "(not being furniture and personal effects) that income" there shall be substituted the words "(not being furniture and personal effects) that income, in the absence of other means for ascertaining its measure,";

(v) immediately after paragraph (4) thereof, there shall be inserted the following new paragraph:

"(5) For the purposes of this Schedule, where any property consists of or includes liquid assets, time deposits, bonds, stocks, shares or other securities —

(i) in excess of £3,400 in the case of a single or widowed person, or

(ii) in excess of £6,500 in the case of a married man who is wholly maintaining his wife, the yearly value of such property shall, notwithstanding anything to the contrary in this schedule, be taken as exceeding £290 in the first case and as exceeding £490 in the other case."

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Passed by the House of Representatives at Sitting No. 295 of the 3rd July, 1979.



*Clerk to the House of Representatives*



*Speaker*